



**SPECIAL CITY COUNCIL WORKSESSION
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM
JULY 25, 2017
5:30 PM**

Call to order

1. Update on Small Cell Antenna Legislation
2. Metro Transit - D-Line Discussion
3. 69th Street Pilot Project

Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

July 20, 2017

Council Memorandum No. 70

The Honorable Mayor
and
Members of the City Council

Subject: July 25, 2017 Work Session Items

Council Members:

The following items will be discussed at the July 25, 2017 City Council Work Session:

Update on Small Cell Antenna Legislation

Bob Vose from Kennedy & Graven will provide an update on the small cell antenna legislation. Attached is a memo that provides information on the legislation.

The New D Line (rapid bus service)

Representatives from Metro Transit will present information on the new D Line (rapid bus service) that will run on Portland Avenue through Richfield and is scheduled for construction as soon as 2020. For more information, please visit their website at <https://www.metrotransit.org/d-line-project>.

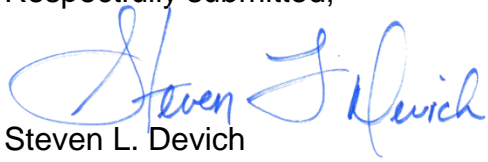
69th Street Pilot Project

The 69th Street Pilot Project was recommended by the Richfield Transportation Commission on September 7, 2016, and approved by Council on October 11, 2016. The project's purpose is to provide pedestrian facilities along 69th Street, between Penn and Xerxes Aves, and reduce vehicular speeds.

The project was installed in the fall of 2016 and ran through June 2017. Upon completion, staff compiled residents' survey responses and analyzed traffic data (before and after). The survey results and traffic analysis are attached. The Transportation Commission discussed these results at their July 12, 2017, meeting. The discussion lead to a recommendation to develop a long-term, permanent solution for 69th Street and to continue the pilot configuration with modifications in the interim.

Please contact Kristin Asher, Director of Public Works, at 612-861-9795 with questions.

Respectfully submitted,

A handwritten signature in blue ink, reading "Steven L. Devich". The signature is fluid and cursive, with the first name "Steven" and last name "Devich" clearly legible.

Steven L. Devich
City Manager

SLD:tab

Email: Assistant City Manager
Department Directors

Attachments



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St. Cloud www.kennedy-graven.com
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MEMORANDUM

TO: Clients
FROM: Bob Vose
DATE: June 2, 2017
RE: Small Cell Legislation

The wireless industry is seeking to deploy “small cell” wireless facilities in public rights-of-way (ROW). To that end, the industry is seeking to pass model state legislation across the country. Approximately 20 states have introduced such legislation, and at least 7 midwestern states have enacted new laws as a result of these efforts.

In Minnesota, the largest wireless providers, AT&T, Verizon, and Sprint, aggressively lobbied for the model legislation this session. The Minnesota League of Cities strongly opposed the initial bill and, at various times, it appeared “dead.” In recent weeks, however, legislators convened negotiations between wireless providers, cities, municipal utilities, and the cable industry. After extensive negotiations primarily over changes requested by the League, the League took a neutral position on the final language. The League believes that the negotiated language represents the best preservation of local control for Minnesota cities that could, in light of legislative realities, be obtained and is superior to laws passed elsewhere. We assisted the League during the session.

The small cell language was ultimately included in the Jobs Bill-- Senate File 1456. The Governor signed SF1456 and other budget bills on May 30th. The House and Senate had each narrowly passed companion bills as stand-alone legislation, but the small cell language presumably found its way into the Jobs Bill to guard against a veto. With a few exceptions, the law became effective immediately.

This summarizes the most significant provisions in SF1456 regarding small wireless deployment:

1. Wireless Governed by Minnesota ROW Law

- Under prior law, “telecommunications right-of-way users,” a defined term, and other traditional users of the ROW are statutorily entitled to access and install facilities in the ROW. Such rights are subject to reasonable regulations and conditions imposed

by the local government unit (LGU). LGUs are required to enact ROW ordinances to implement this authority.

Prior law did not, however, cover or grant ROW access to wireless providers or facilities. SF1456 addresses this by amending the term “telecommunications right-of-way user” to include persons deploying facilities to provide “wireless service,” a newly defined term. This and other changes made by SF1456 generally entitle wireless providers to use ROW.

- Wireless providers may deploy a “small wireless facility” or a “wireless support structure” in the ROW. These are both newly defined terms.
 - In order to be “small,” the proposed deployment must meet statutorily-limited size requirements- each antenna must be no more than six cubic feet, and all associated equipment, excluding certain types of equipment (back-up generator, for example), must either be concealed or less than 28 cubic feet.
 - In order to be an authorized support structure, any proposed new pole cannot exceed the lesser of 50 feet or 10 feet above an existing pole that is being replaced unless the LGU allows a greater height.
- LGUs may deny permits for new small cell facilities or wireless support structures based on reasonable health, welfare and safety concerns.
- One of the wireless industry’s primary goals was to require that poles or similar structures owned by the LGU in the ROW (light poles, for example) be made available for the attachment of small wireless facilities. The industry’s model bill actually proposed redefining the ROW to include essentially all LGU infrastructure.

SF1456, however, does not make LGU-improvements in the ROW a part of the ROW available for private use. The law instead expressly allows an LGU to determine whether a particular pole or other structure in the ROW was designed to support proposed wireless equipment or is capable of doing so. The LGU may deny a wireless provider access to a particular facility based on this determination or other public health, safety or welfare concerns.

- An LGU may also condition a permit on health, welfare and safety concerns, on “reasonable accommodations for decorative wireless support structures or signs,” or upon “any reasonable restocking, replacement, or relocation requirements” for a new wireless support structure in the ROW.
- LGUs may also impose separation requirements (distance minimums) between new poles or other wireless support structures.
- Municipal electric utility poles and facilities are exempt from the bill. About 125 cities have municipal utilities.

2. Zoning

- Another primary industry goal was to require that small wireless facilities be made a permitted use in all ROWs regardless of the underlying zoning district in which the ROW is located.

SF1456 makes small wireless facilities and associated wireless support structures a permitted use in all ROWs, but LGUs may make such facilities or structures a special or conditional use in ROW located “in a district or area zoned for single-family residential use or within a historic district.”

- LGUs are prohibited from adopting a moratorium on the processing and issuance of small wireless facility permits. This provision is effective immediately except that it becomes effective on January 1, 2018 for any LGU that had not enacted a ROW ordinance as of May 18, 2017.

3. Application Process

- LGUs may require permits for placement of new wireless structures or collocation of small wireless facilities in the ROW. It is unclear whether this is in lieu of or in addition to the ROW permit already required by most existing ROW ordinances.
- An LGU has 90 days to issue or deny a permit. SF1456 indicates that failure to timely act results in the permit being “deemed approved” and “the permit is automatically issued.” The deadline can be extended for 30 days if:
 - the LGU receives applications for 30 or more sites within a 7 day period, or:
 - the application is incomplete and the LGU delineates the missing information within 30 days of receipt.

Written notice of any extension must be provided to the applicant.

- Applicants may file up to 15 permit applications simultaneously as long as the requested sites are within a 2 mile radius, consist of substantially similar equipment, and are to be placed on similar structures. LGUs may approve or deny applications individually or collectively.
- A denial must be in writing and state the basis for denial. The LGU must notify the applicant in writing within 3 business days of the decision. The applicant may cure the deficiencies noted and reapply. If such re-application is made within 30 days of denial no additional fee may be imposed and a further decision must be made within 30 days of receipt.

- LGUs may not require wireless providers to supply information provided in an earlier application for a small wireless facility if such info is specifically referenced in the current application. LGUs also may not require information “not reasonably necessary to review a permit application for compliance with generally applicable and reasonable health, safety, and welfare regulations” or demonstrate compliance with applicable FCC regulations “governing radio frequency exposure,” or otherwise demonstrate compliance with the new law.

4. Rent and Fees

- The wireless industry’s most important goal was to obtain the right to use LGU-owned facilities in the ROW in exchange for no or minimal rent.

SF 1456 allows the imposition of rent of up to \$150 annually, plus \$25 for maintenance, for each site. Additional fees may be imposed if the wireless provider uses LGU-purchased electricity rather than separately metering. This payment arrangement would presumably be reflected in an attachment agreement governing the provider’s attachments to the LGU’s facilities.

- LGUs remain entitled to recover ROW management costs, a defined term, from wireless providers using the ROW via permit fees. However, SF1456 indicates that “unreasonable fees of a third-party contractor” cannot be recovered. Such fees include “any third-party contractor fee tied to or based upon customer counts, access lines, revenue generated by the telecommunications right-of-way user, or revenue generated for a local government unit.”

5. NO PUC Rules or Dispute Resolution

- The PUC has promulgated rules governing underground installation of telecommunications and other utility infrastructure in the ROW. The PUC is authorized to administratively adjudicate disputes arising out of an LGU’s interpretation or application of these rules.

SF1456 does not explicitly authorize the PUC to promulgate new rules regarding installation of wireless facilities in the ROW including, particularly, how attachments to LGU facilities must be made. Thus, the PUC will presumably not have any adjudicative role regarding wireless installations in ROW.

- LGUs are authorized to require separate agreements with wireless providers governing attachments to the LGU’s poles or other facilities. SF1456 provides:

No later than six months after the effective date of this act or three months after receiving a small wireless facility permit application from a wireless service provider, a local government unit that has elected to set forth terms and conditions of collocation in a standard small wireless facility collocation agreement shall develop and make available an agreement that complies with

the requirements of this section and section 237.162. A standard small wireless facility collocation agreement shall be substantially complete....

Conclusion

The work our clients will need to do to accommodate the new small cell wireless law depends to a large extent on each municipality's ROW ordinance, zoning provisions, ROW application process, and standard practices. However, it is apparent that a number of steps will need to be taken. These likely include:

1. Amendment of the ROW ordinance to include provisions specific to the installation of wireless facilities on existing poles or similar facilities, and addressing the potential installation of new "wireless support structures;" i.e. poles. Some clients may wish to address wireless deployment in the ROW via a new ordinance that is separate from the existing ROW ordinance.

Whether implemented by amending an existing ROW ordinance or adopting a new, separate ordinance, the application process requirements noted above will need to be incorporated.

2. Amendment of the zoning ordinance or code to make small wireless a permitted use in all ROW but, potentially, a conditional use in ROW located in residential zones.
3. Preparation of a template agreement governing attachment of wireless facilities to municipal poles or other infrastructure in the ROW. We anticipate that the League will seek to make a model agreement available. Our office may assist with that work. The rent and the maintenance fee requirements will be addressed in this template agreement.

Of course, preparation of a "substantially complete" template agreement governing attachments to municipal infrastructure will be difficult for municipalities that have a variety of facilities in the ROW. The template agreement may need to contemplate different attachment requirements depending on the nature of the particular facility to which a wireless provider seeks to attach its equipment.

Please contact me with questions.

69TH STREET PILOT PROJECT

XERXES AVENUE TO PENN AVENUE

PROJECT BACKGROUND

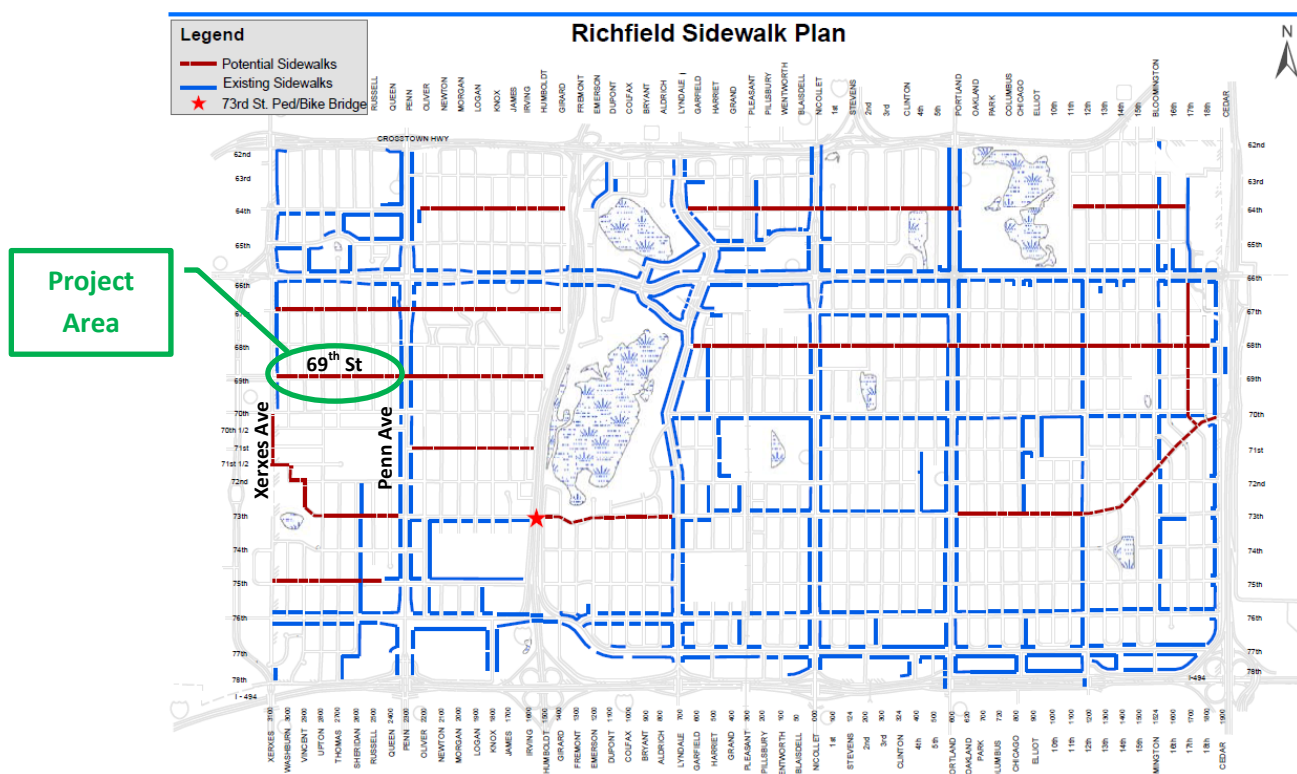
The City's [Comprehensive Plan](#), [Sidewalk Policy](#), [Complete Streets Policy](#), and [Guiding Principles](#) have established goals for pedestrian facilities on collector roadways and improved multimodal transportation options for Richfield residents. This project is intended to add over 1/2 mile of planned pedestrian facilities on 69th Street which is an identified gap in the pedestrian network, (Xerxes Avenue to Penn Avenue).

This project provides safer pedestrian connections to:

- Stores and services on Penn Avenue
- Stores and services in Edina

The 69th Street improvements may also accommodate bicycles on this planned bicycle route identified in the approved [Bicycle Master Plan](#). This route also connects to the Metro Transit Bus Route on Penn Avenue.

PROJECT MAP (Base map from the Comprehensive Plan)



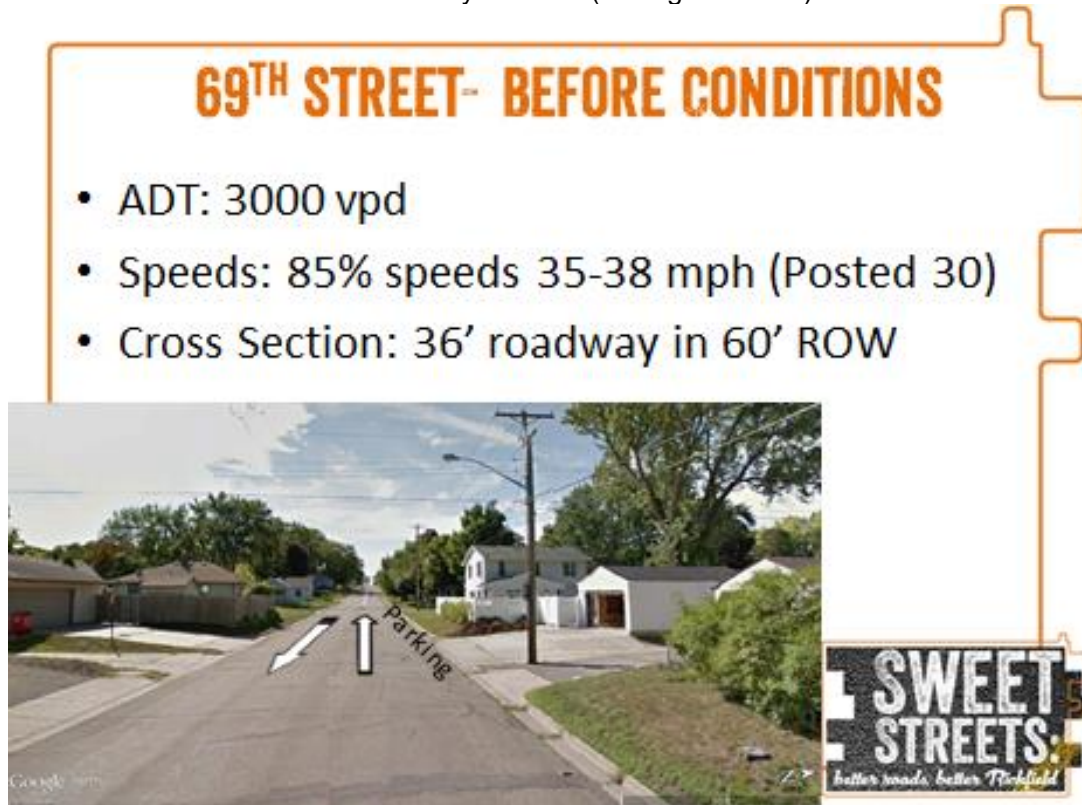
69TH STREET BEFORE CONDITIONS

The study corridor crosses a residential neighborhood with driveways and alleys serving the neighborhood. 69th Street is a collector roadway and is part of the City's Municipal State Aid System and therefore State Aid design standards apply to the corridor. Richfield's Sidewalk Policy identifies that sidewalks should be constructed on one side of a collector roadway, but no sidewalk exists on 69th Street.

69TH STREET PILOT PROJECT

XERXES AVENUE TO PENN AVENUE

The average daily traffic on the corridor is 3,000 vehicles/day. The roadway was not striped, but the two-way roadway allowed parking on the north side of the street and parking was restricted on the south side. 69th Street received an Overlay in 2015. (see figure below)



Frequent and ongoing complaints regarding speeding on 69th Street were received by Public Works and Public Safety staff. Speed studies verified citizen concerns. The speed limit on 69th Street is 30 mph and the 85th Percentile Speeds were documented from 35 mph to 38 mph. A video log was recorded in September 2016 to evaluate the operations of the corridor. Key observations from the video were:

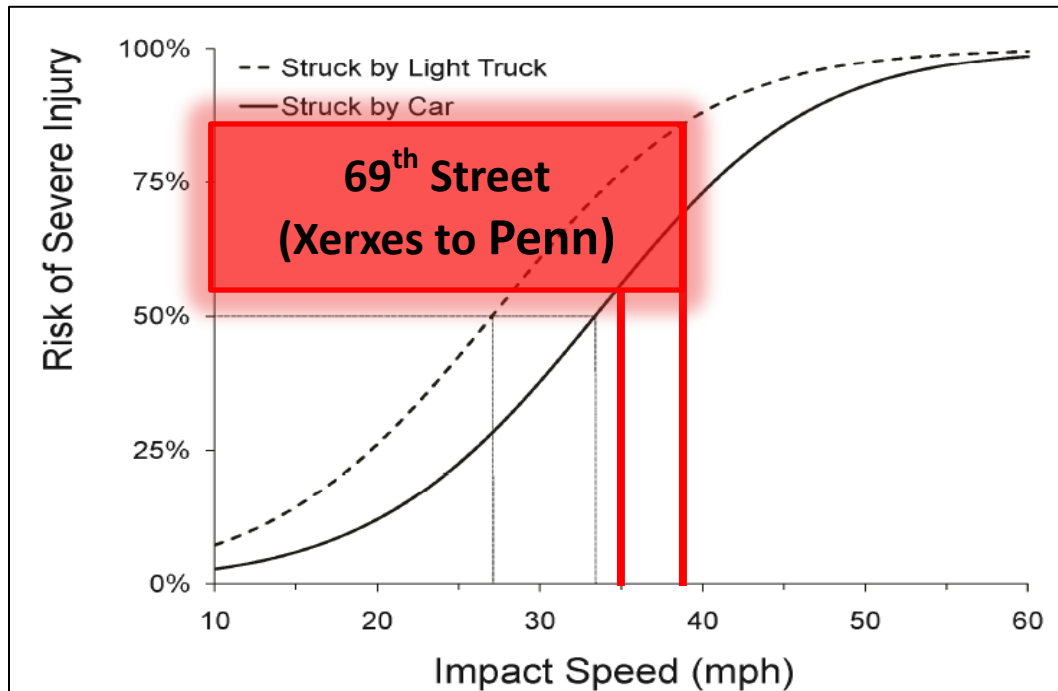
- Very few cars parked on the roadway.
- Vehicles did not travel in the designated lanes. The lack of parked vehicles allowed an “open road” feeling with vehicles traveling along the physical centerline of the street.

The speeding problem was not resolved with additional enforcement or with the installation of radar controlled “Your Speed” indication signs. The speeding problems created an unsafe condition for residents accessing their driveways or the alleys.

The lack of sidewalk along 69th St creates a very unsafe condition for pedestrians and is illustrated in the chart below. This chart is from a study published by AAA’s Foundation for Traffic Safety. The chart plots the Risk of Severe Injury to pedestrians struck at various impacts speeds from either a car or light truck (i.e.; pickup truck). The 69th Street 85th Percentile data is also show on this chart.

69TH STREET PILOT PROJECT

XERXES AVENUE TO PENN AVENUE



The following image was taken from the September 2016 video log. This image shows pedestrians walking along 69th Street as they are being passed by a light truck and cars. Key observations:

- There are not any parked cars.
- Westbound traffic has shifted into the parking lane on the north side.
- Eastbound traffic is using the westbound lane.
- Pedestrians walk in the eastbound lane with their backs to traffic.



69TH STREET PILOT PROJECT

XERXES AVENUE TO PENN AVENUE



DEVELOPMENT OF PROJECT ALTERNATIVES

Public Works staff developed alternatives attempting to address the speeding problem and the lack of pedestrian safety along the 69th Street study area. The concepts considered were:

- Sidewalk with or without a boulevard
- Sidewalk with shifted curb (narrowed Street)
- “On-street” path (width coordinated with maintenance staff for plowing and street sweeping)

Early evaluation of these options findings:

- Utility poles on the north side would be problematic resulting in focus on sidewalk options on the south side only
- City sidewalk standards include options of a 6 ft. sidewalk and 6 ft. boulevard or a 10 ft. wide sidewalk. The limited Right-of-Way resulted in only consideration of a 10 ft. sidewalk.
- Funding for a significant construction project has not been identified.
- Eliminating the little used parking would allow for either narrowing of the road or conversion of the parking lane into an “on-street path.”

Pedestrian Mode Measures

The goal of the City’s pedestrian network is to provide for safe, secure and efficient movement along and across the roadways. The following performance measures will be used to evaluate the Pedestrian success of any alternative in addition to ADA criteria.

- ☐ Speed of traffic (slower)
- ☐ Offset to traffic (buffer zone)
- ☐ Crossing distances
- ☐ Number of users

The following alternatives were brought to a Public Open House on August 24, 2016, at Jefferson Park:

Alternative	Pedestrian	Bicycle	Parking impacts	Cost
10' Wide sidewalk on south side	✓	-	-	\$\$\$\$\$\$\$
10' Wide sidewalk with southern curb shifted north	✓	-	-	\$\$\$\$\$\$\$
10' On-street shared use path-painted edge line	✓	✓	✓	\$
10' On-street shared use path-painted edge line with tube delineators	✓	✓	✓	\$\$
10' On-street shared use path-curbed delineators	✓	✓	✓	\$\$

69TH STREET PILOT PROJECT

XERXES AVENUE TO PENN AVENUE

These alternates represent higher cost sidewalk construction alternates along with lower cost on-street path alternates. The chart indicates each alternative's potential to provide safe travel for pedestrians and bicyclists along with parking impacts and relative cost.

Parking needs vary along the corridor. While most homes are on the corner, served by parking on the avenues, one home fronts on 69th Street and there are two homes at Penn Avenue (which is posted "No Parking except Sunday").

Recommendation for Pilot Project

The comments from the open house supported the speeding problem, but provided no clear direction for addressing the pedestrian safety. On September 7, 2016, the Transportation Commission made a recommendation to City Council to "pilot" the alternative; **10' On-street shared use path- curbed delineators** including monitoring speeds, along with pedestrian and bicyclist usage through June of 2017. City Council approved the pilot project at their meeting on October 11, 2016 and the changes to 69th Street were made shortly thereafter.



Figure 1 69th St Pilot Project

69TH STREET PILOT PROJECT

XERXES AVENUE TO PENN AVENUE

RESULTS OF PILOT PROJECT



Figure 2 69th Street Pedestrian Pilot Project on-street path

Pilot Project Change to Speeds

Initial Speeds: 85% speed 35-38 mph (Speed Limit 30 mph)

Pilot Project:

Westbound- 85% speed 33-35 mph*

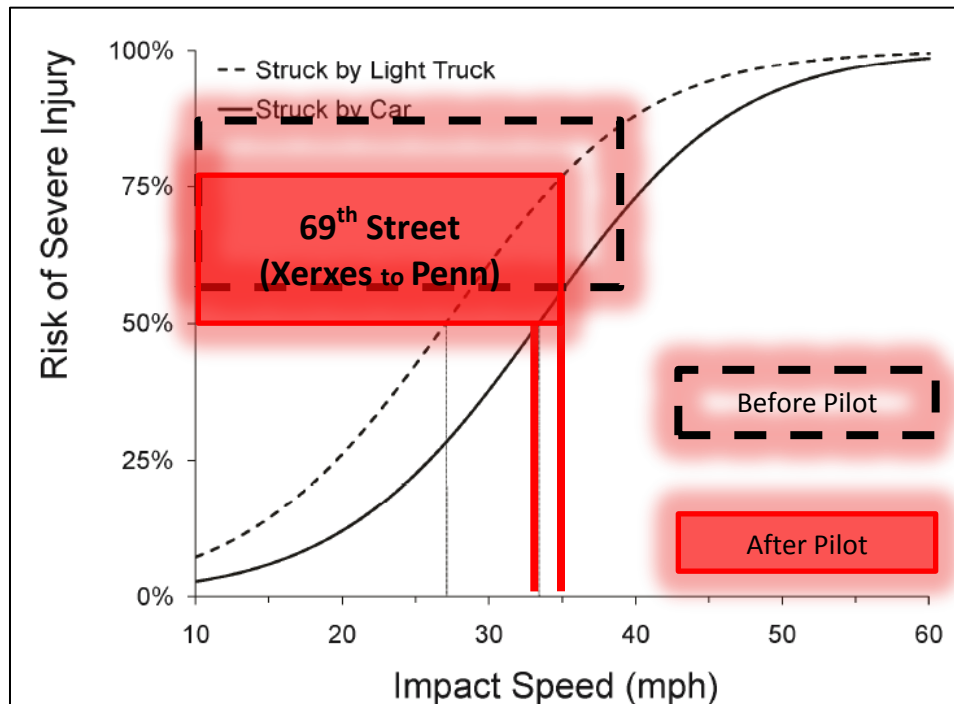
Eastbound- 85% speed 33-35 mph*

*66th Street Detour traffic included (volumes increased from 3,000 to approximately 5,000 vehicles/day)

69TH STREET PILOT PROJECT

XERXES AVENUE TO PENN AVENUE

The changes to the speeds are plotted on the same Risk of Severe Injury chart:



Pilot Project Changes to Pedestrian and Bicycle Usage

Video log was repeated in June 2017 and pedestrians and bicyclists were counted. The weather during each of the times recorded was comfortable for walking. The following table compares the changes:

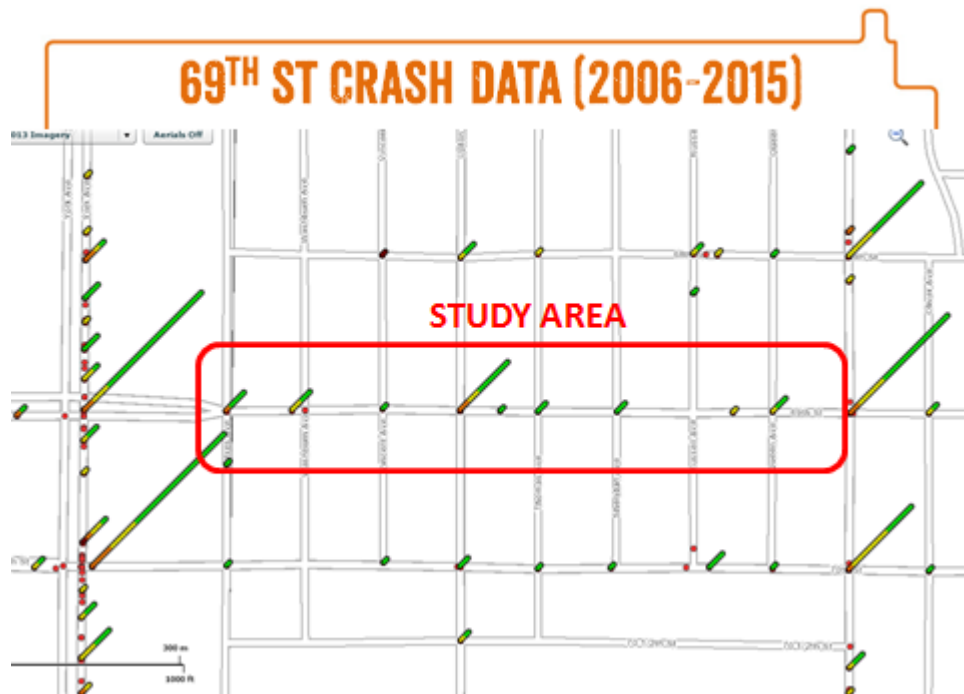
69TH ST PEDESTRIAN/BICYCLE COUNTS			
Date	Pedestrians per Day	Bicyclists per Day	Total
September 2016	52	56	108
June 2017	76	78	154
Change	+46%	+39%	+43%

69TH STREET PILOT PROJECT

XERXES AVENUE TO PENN AVENUE

Crash Summary

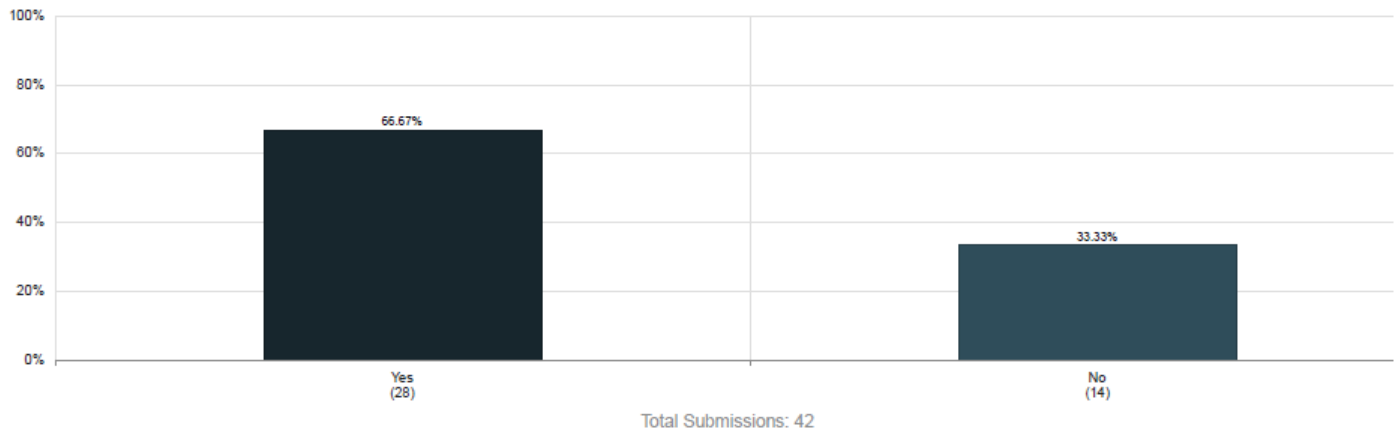
Crash data was compared to similar collectors and no significant crash patterns were identified with the following exception: The intersection at 69th Street with Upton Avenue has a few more crashes, most likely due to the limited sight distances restricted by the side slopes created by cutting 69th Street into the hill. Sightline improvements should be considered as part of any future reconstruction project of 69th Street.



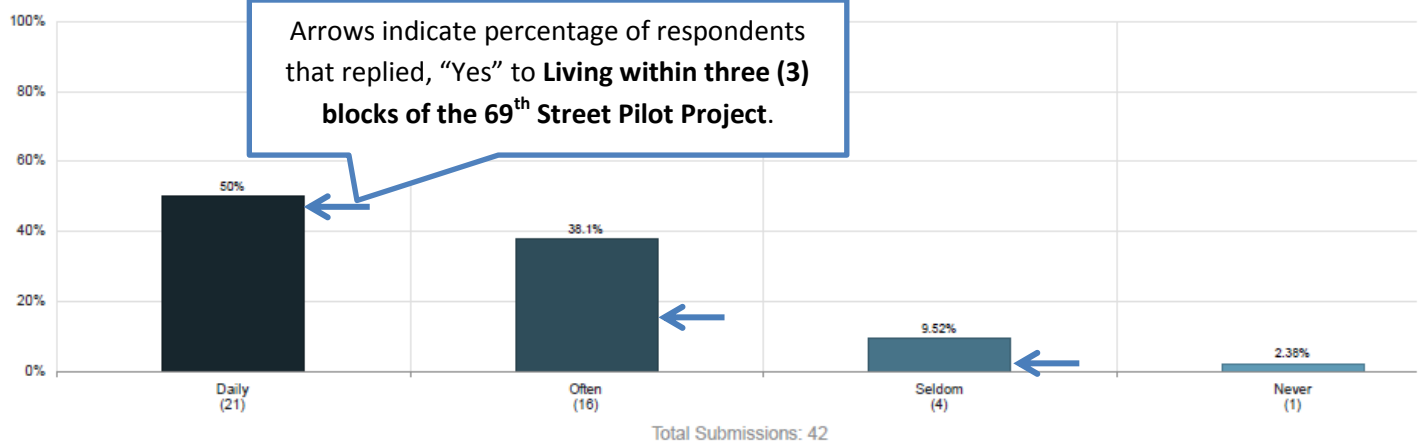
69TH STREET PEDESTRIAN PILOT PROJECT: ON-LINE SURVEY RESULTS

The 69th Street Pedestrian Pilot Project survey was available on-line from April 12 through April 30, 2017. The survey was posted on the City of Richfield's website, promoted via Facebook, and emailed directly to citizens that had been engaged through project open house attendance or other contacts. Approximately 40 citizens took the survey. The survey focused on the mobility and safety for pedestrians, bicyclists and drivers. The survey also provided the opportunity for participants to give comments. The results of the survey:

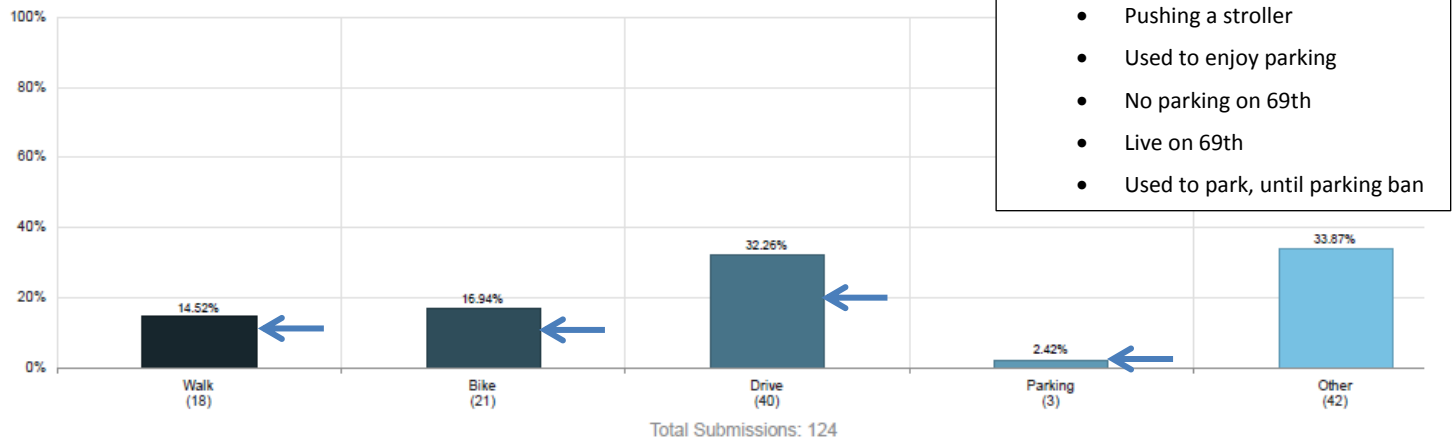
Do you live within three (3) blocks of the 69th Street Pilot Project?



How often do you travel along 69th Street from Xerxes Avenue to Penn Avenue?

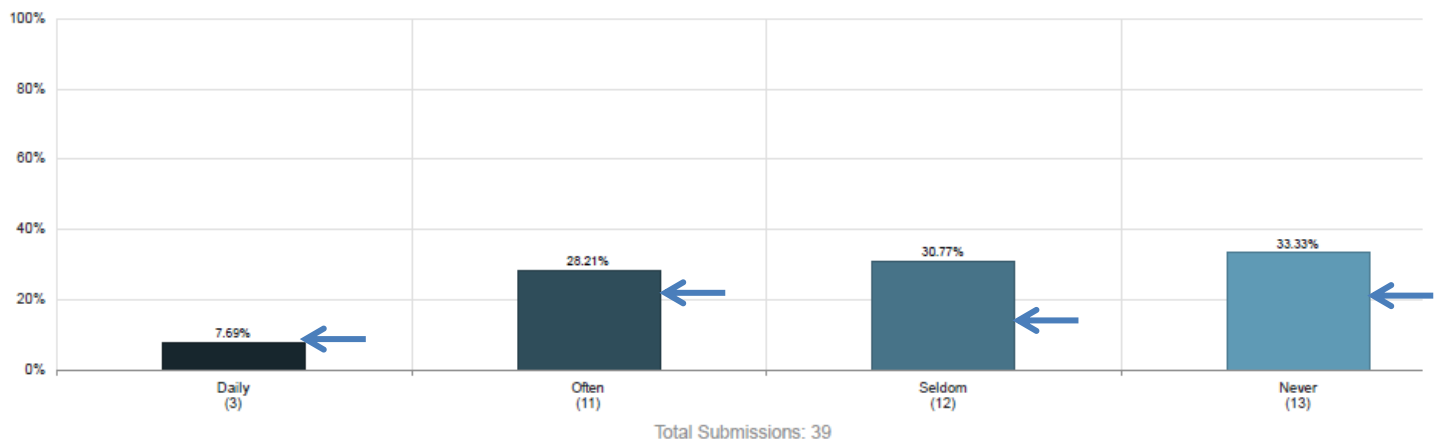


How do you use 69th Street?

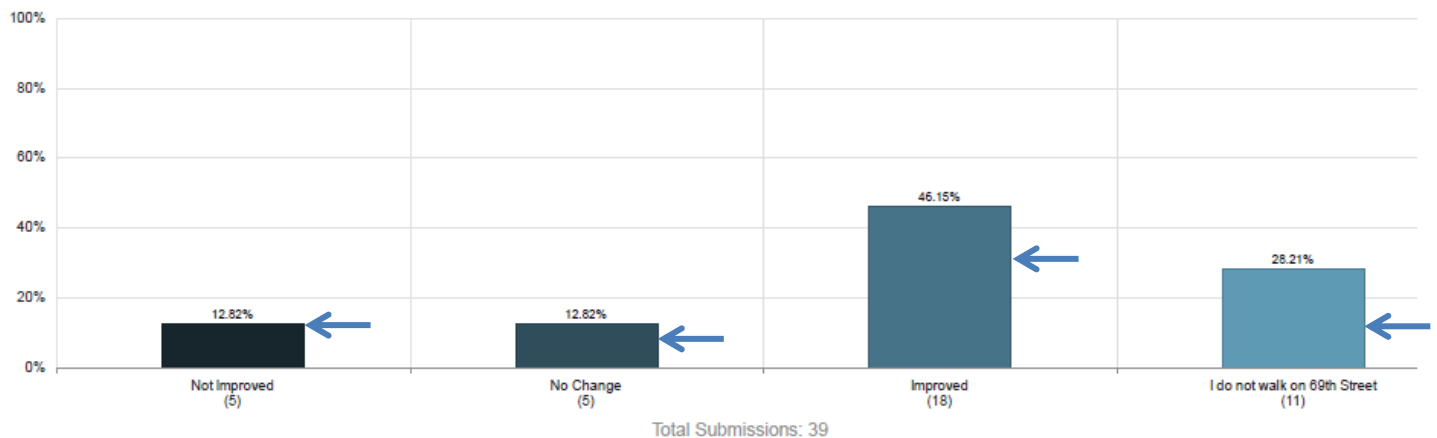


69TH STREET PEDESTRIAN PILOT PROJECT: ON-LINE SURVEY RESULTS

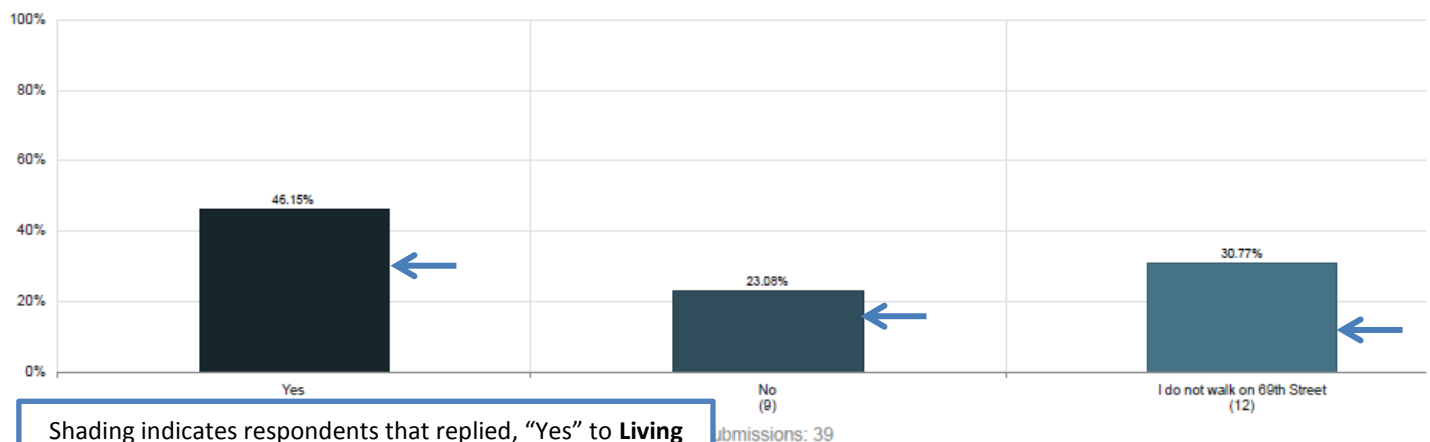
How often do you walk along 69th Street from Xerxes Avenue to Penn Avenue?



How do you feel about your experience walking across or along 69th Street?



Do you feel it is safer walking across or along 69th Street?



Shading indicates respondents that replied, "Yes" to **Living within three (3) blocks of the 69th Street Pilot Project.**

ID

Walking Comments

- 4392 Delineating a specific space for biking and walking adds a safety element and a comfort level that encourages participating in those activities and makes doing so more pleasant
- 4394 Safer, but still get the awkward feel of being on the street. Safe crossing with small children is still a big concern. For example, crossing at Upton Ave to head to Jefferson Park.

69TH STREET PEDESTRIAN PILOT PROJECT: ON-LINE SURVEY RESULTS

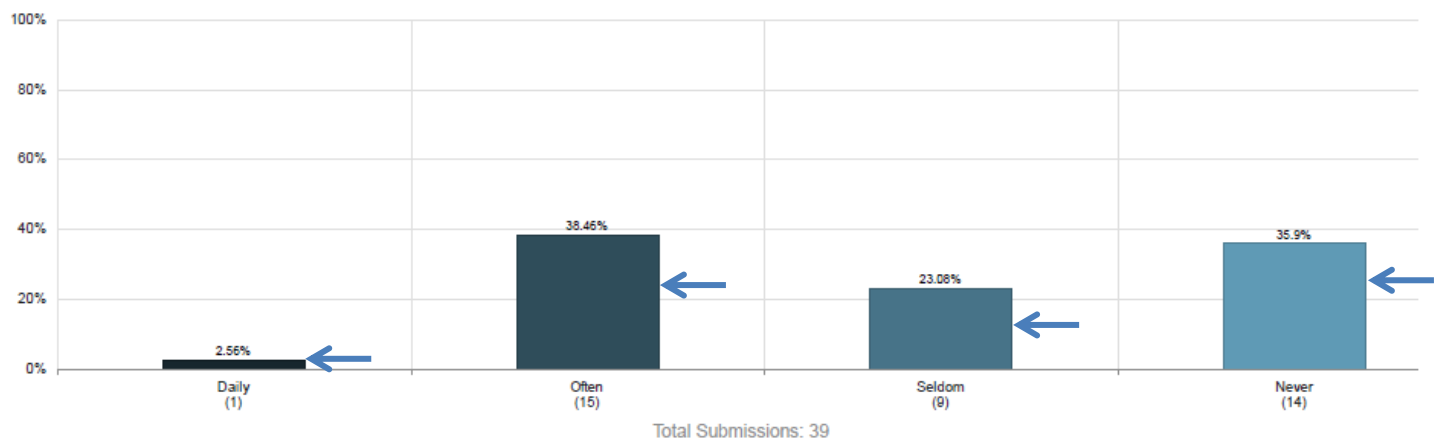
- 4395 69th no longer feels like a barrier to walking and biking with small kids. We've started walking to the park at 68th and Upton because we feel safer getting there. We also will walk along 69th, which we never had before.
- 4396 Along 69th Street, between Penn Ave & Xerxes Ave is great but the transitions at either end are awkward. I would prefer having areas on both sides of the street to remedy this.
- 4397 Coming out of the alley from the south is dangerous especially if there are cars or fences blocking the sight lines for east bound traffic. This is especially true for the alley between Sheridan and Russell. A reminder sign would be helpful but may not solve the problem due to posted or higher speeds heading east.
- 4400 I do not like the south side shoulder. Too close to my property and turning from south onto 69th heading east towards Penn makes it tougher not to impede somewhat in the West bound lane. When west bound traffic is there.
- Do not like the looks of the white markers. i don't think you will be able to make me happy. unless you put the parking back on 69th Street. Put the walkers and bikers on alternate streets. I am sure this wont make a bit of difference to you.
- 4405 It was wonderful to walk to Cub and other places this winter. I drove those short distances in the past as it was not safe on either 69th or 70th !!
- 4406 First of all, the city staff most likely evaluates speeds along 69th street during their business hours which are from probably 7:00am to 3:30pm, therefore the accuracy of the study for speed is not exact ? Before the bike / pedestrian lane was ever constructed, traffic speeds appeared to be SLOWER than they are now since these lanes were built. I've seen vehicles passing one another on 69th street heading westbound towards Edina. I've also seen bicyclists riding in the eastbound traffic lane for vehicles, not even using the bike lanes constructed for them.
- The next issue I would like to address is the SAFETY! When a northbound driver of a vehicle approaching 69th street from any given side street such as: Sheridan, Thomas, Upton, Vincent and so on, that vehicle wants to make a right hand turn (eastbound) on 69th street, they usually have the tendency to take that right hand turn wider then what is allotted for due to these bike lanes. When this happens, and there is ANY oncoming traffic (westbound on 69th), there is no room for ERROR. Therefore, the (westbound) traffic on 69th street will veer off onto the pedestrian/bike lane. Especially, the elderly citizens because they are NOT used to driving on the wrong side of the road.
- One suggestion is: why not trying a pilot program with having a BUFFER ZONE of approximately 4 - 7 feet on each side of 69th street, with no parking on either side, allowing the CROWN of the road being the CENTER OF ROADWAY? You wouldn't need all of those traffic barrier delineation. By eliminating the delineation, now you DON'T have to send out a SPECIAL TRUCK to PLOW 69th street costing the taxpayers more money in overtime. Snow builds up around those traffic barriers and now we have inappropriate drainage when the snow starts melting and causing it to refreeze in the pedestrian / bike lane. This could be a LAWSUIT waiting to happen for the city. Maybe Portland Ave construction of those bikes lanes made of concrete, acting as a BUFFER ZONE could be a mirror image of 69th street without those center islands?
- Another solution could be simply use the right - away on either side of 69th street and install sidewalks wide enough to accommodate pedestrian / bicyclist traffic which would be the SAFEST - OF - ALL - SOLUTIONS!
- 4408 When we first moved to Richfield last June (2016) there wasn't a pedestrian area on 69th. It felt very unsafe to walk there because there was no barrier and people would speed up and down 69th like their hair was on fire.
- Once the street was redone, I used it almost immediately. I was so excited to have a safe place to walk with my baby. It seemed to have slowed traffic down as well because the lanes are narrower.

69TH STREET PEDESTRIAN PILOT PROJECT: ON-LINE SURVEY RESULTS

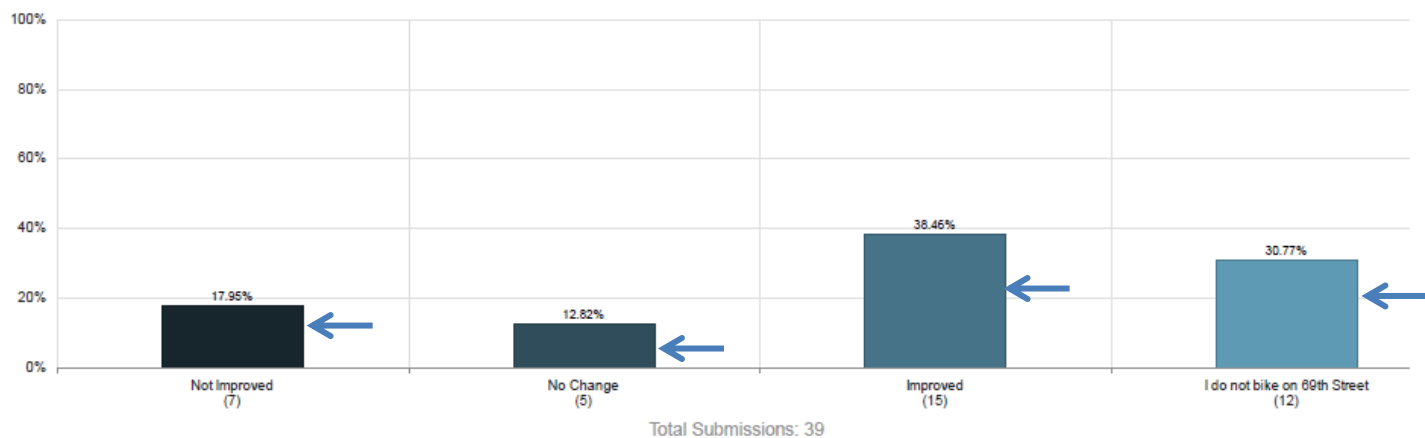
- 4410 It's fine if I stay on the north side of the street where there is protection. But when I head to my friend's house on the south side it's darned scary.
- We need speed bumps. People are NOT going to slow down for anything now days. And neighbors living on south side of 69th Street need more wiggle room to get out of their driveways safely.
- 4411 When driving to work each morning (west bound), I continually see people walking on the south side of 69th westbound.
- 4418 I feel the experience has improved and is safer because of the designated pedestrian lane but is not optimal.
- 4420 I NEVER felt unsafe walking along 69th street before the improvements, so I cannot honestly say I feel safer walking along 69th from Xerxes to Penn after the improvements.
- 4421 I think the narrower lanes make the overall driving and walking experience more unsafe. The narrower south lane means that I can barely pull out far enough from the alley to turn into the street, to see if a car is coming only to find the car is coming - almost too late. With snow banks added in the winter, it's going to be a very dangerous entry on 69th from the ally.
- Walking in the walkway still feels dangerous because cars drive very fast down 69th. I walk my dog every day and feel no safer in the walkway than I did along side the curb. Having at least one real sidewalk (either north or south side of 69th) from Penn to York would definitely improve pedestrian and car safety on 69th street. I don't think the walk way in the street is the answer.
- 4422 This experiment had caused much user confusion, verbal abuse and dangerous situations. Please make 69th Street safe again. Every week we observe dangerous situations by both motorized and nonmotorised users. It is just to confusing and ill thought out. The street was much safer prior to the experiment.
- 4430 There is no safe place to walk on south side of 69th. Work trucks often park in walk/bike area leaving walkers/bikers to walk around resulting in using street.

69TH STREET PEDESTRIAN PILOT PROJECT: ON-LINE SURVEY RESULTS

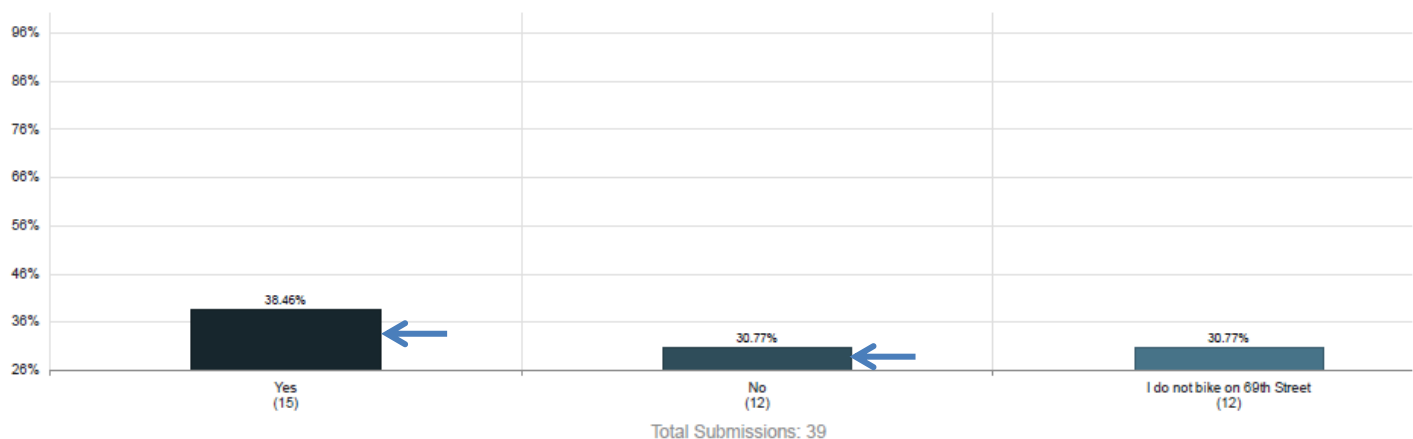
How often do you bike along 69th Street from Xerxes Avenue to Penn Avenue?



How do you feel about your experience biking across or along 69th Street?



Do you feel it is safer biking across or along 69th Street?



ID

Biking Comments

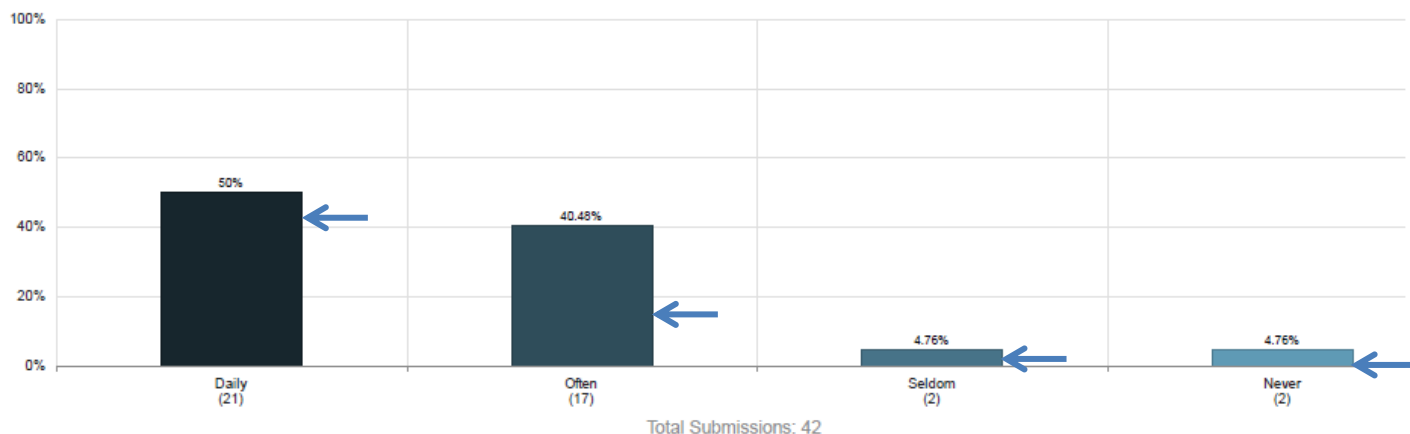
4389 Sort of awkward to bike going east. I don't feel comfortable going the wrong way, so I go in the traffic lane. But I still appreciate that cars drive a lot slower now!

69TH STREET PEDESTRIAN PILOT PROJECT: ON-LINE SURVEY RESULTS

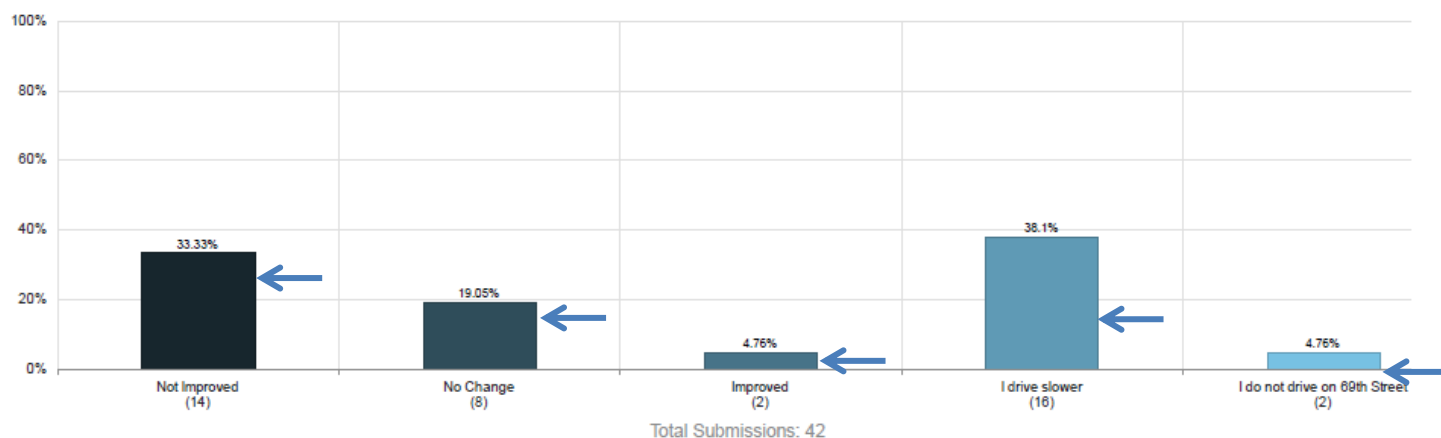
- 4393 This really depends. I feel safer riding west bound as I am going with traffic. But going east bound I feel much less safe, because I'm in a spot that motorists don't look for bikes. Not to mention when you get to Penn Ave you are left at the light being on the wrong side of the street.
- 4394 Much better. Would like to see more of this interim or pilot type of treatment.
- 4395 69th is great to ride along now. I love it.
- 4396 I prefer 70th Street for casual biking and prefer sharing the road otherwise. Again, the transitions at Penn Ave & Xerxes Ave are awkward. East of Penn Ave isn't so bad since traffic is light but west of Xerxes Ave is terrible since the road is crumbling (although it was recently patched, so maybe it's better) and left turns are made across both west & east bound traffic.
- 4406 I RARELY see bicyclists on 69th street. I generally see walking / pedestrian traffic with their pets and/or their children.
- 4408 Biking has improved greatly. I no longer feel like I'm in the way of cars and I feel somewhat protected from traffic. Before, I felt invisible to cars.
- 4411 I don't like it - much prefer a lane on each side. Avid road biker AND I drive to work every day on 69th & find the posts very intimidating
- 4418 Having a designated lane helps create a barrier from traffic but because it is a mixed use lane regular bikers do not use the lane and stay in the roadway as they do not want to cross paths with the pedestrian traffic.
- 4421 The lanes are too narrow.
- 4422 This is not a valid survey as your question/answers are skewed to a desired response and don't allow undesired responses. Cycling on 69th is seriously much more dangerous than ever. Try it yourself if you dare.
- 4426 I ride 69th from Tomas to Penn in the evening on my commute home. After 38 years of riding on roads, I do not feel safe riding against traffic especially when others are in the safety lane. Also, when I get to Penn I am on the wrong side to cross Penn. The cars turning from South Penn to West 69th turn into the safety lane and are not looking for walkers or bikes. When it is dusk or dark in the evening the oncoming vehicle lights are blinding. I usually wait for East traffic to be clear and ride in the traffic lane. Thank you for reading. Joe (70th & James)
- 4430 Same as walk comments. Also if you are going West on 69th technically you should be walking/biking on south side of 69th. There is no safe way to do this

69TH STREET PEDESTRIAN PILOT PROJECT: ON-LINE SURVEY RESULTS

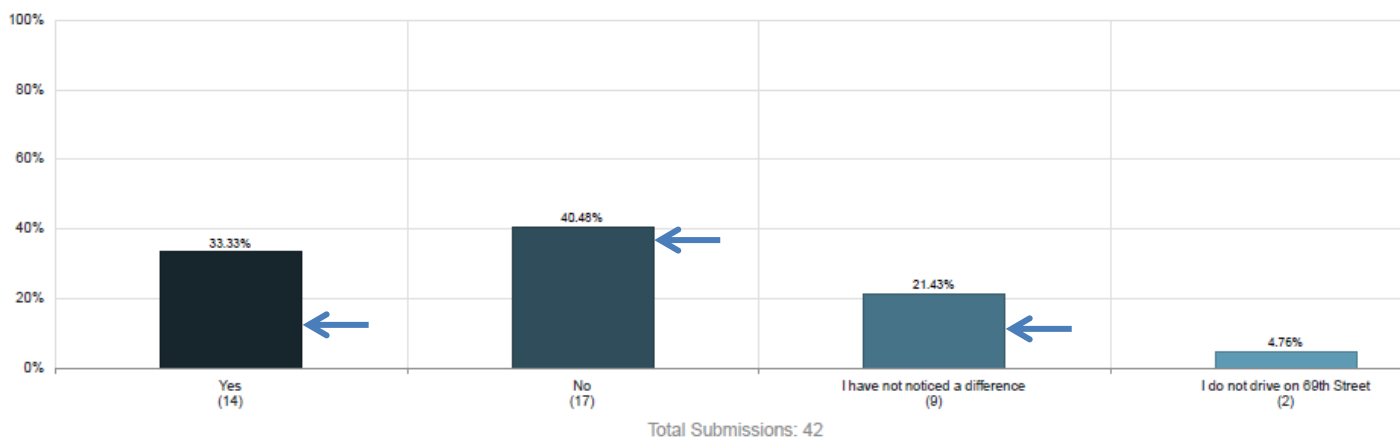
How often do you drive along 69th Street from Xerxes Avenue to Penn Avenue?



How do you feel about your experience driving across or along 69th Street?



Do you feel it is safer driving across or along 69th Street?



ID

Driving Comments

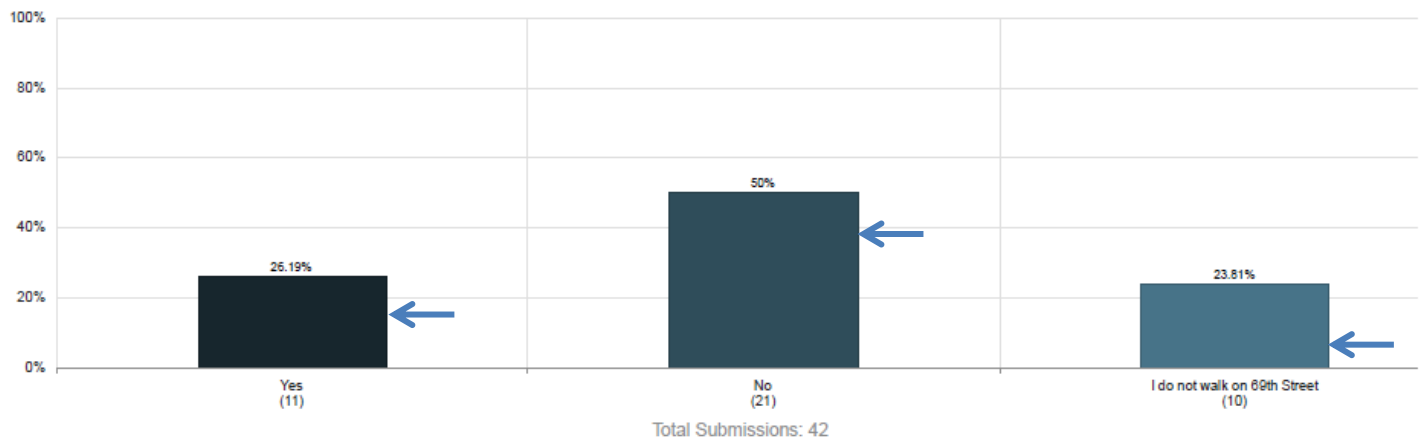
- 4389 I feel a lot more aware of where I am in the street.
- 4390 Design cues to lower design speed are greatly appreciated. The street is still far too wide, which encourages speeding. Slowing traffic makes things so much safer including for us motorists.

69TH STREET PEDESTRIAN PILOT PROJECT: ON-LINE SURVEY RESULTS

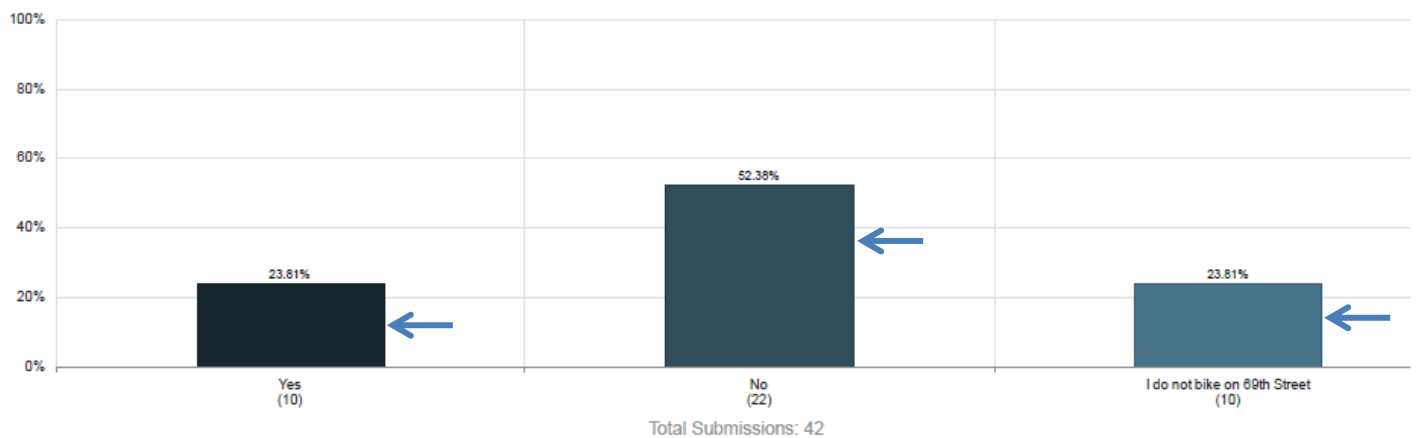
4392	There's now a shorter span to get across and the cross traffic seems to have somewhat slowed down
4394	It's different. Forced to pay attention better. Feel's different and causes me to drive slower which is safer.
4395	Virtually everyone is driving slower, which is great.
4396	I rarely drive at all, and when I do, I don't speed, so nothing really changed. I have noticed drivers hugging the center line quite a bit and several people driving in the pedestrian/cyclist corridor.
4399	Driving due to 66th street construction so anything's better than on 66th.
4405	Speeds seem improved (slower). I was worried about being rear ended after the change when turning south into my ally but people seem to be paying attention and slowing down
4406	The FUNDING allotted to the city for the bicycle traffic appears to be more important than the SAFETY of our citizens!
4408	I no longer feel rushed as I'm driving along 69th. Before, cars would be going 35-45 mph, rushing me along as I went 25-30 mph. I knew there were kids in the area, as well as walkers, runners, and bikers. Now, I feel like I can fully see them and I don't worry when driving.
4409	The new pedestrian/bike lane makes me feel less safe in 69th street. It feels like the driving lanes are narrower. This is especially an issue after it's snowed. Clearing snow seems to be a problem.
4410	Drivers are still speeding at the usual rate.
4412	Eastbound traffic is too close to the curb.
4418	It does not seem the pilot project has helped to slow traffic and it has pushed cars too close to residents living on the south side of the road.
4421	See previous comments
4422	The narrow lanes cause drivers to traverse so close to others that I fear for my life daily. Again you provide no negative response, shame on you!
4426	I have seen cars driving in the safety lane. Suspect they use it seldom and are confused.
4429	Neighbors bordering this street said they suggested 1 way on 69th & the opposite on 70th. Seems like a good idea. They miss having parking on 69th & have not noticed that traffic has slowed.
4430	It is not safer. People are confused & I often see people driving IN the designated walk/bike path. This was to reduce speed of which I have not seen. With 66th under construction, there is more traffic, more confusion & significant speeds!!!
4458	I have lived on 69th for 40 years. Obviously the traffic has increased. I DONOT like the delineators that are in place. The traffic has increased because of 66th construction and continued building around the Southdale area. The speed has not decreased. Until the orange delineators were added in the walking lane cars were driving in that lane. The East bound traffic is too close the houses on that side. I find it not easy at times to back out of my driveway. It seems people think they come first before the actual residents.

69TH STREET PEDESTRIAN PILOT PROJECT: ON-LINE SURVEY RESULTS

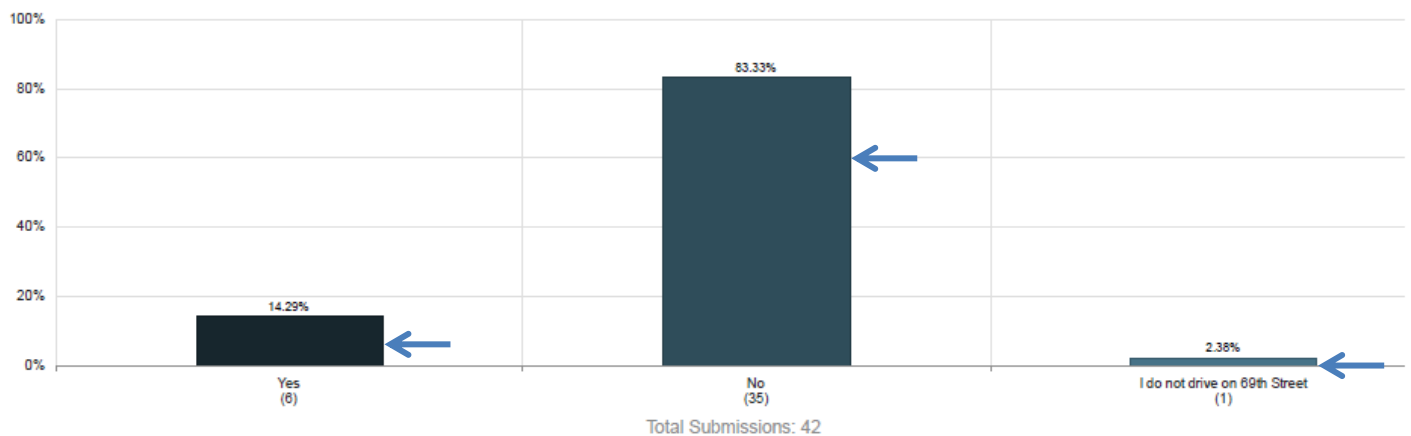
Since the changes were made, do you walk along 69th Street more frequently?



Since the changes were made, do you bike along 69th Street more frequently?

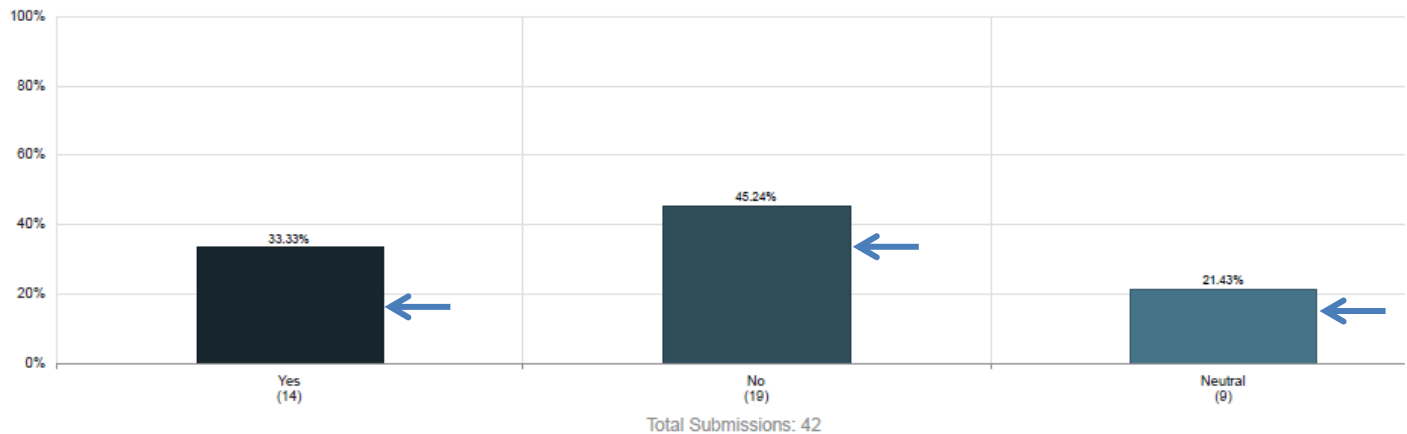


Since the changes were made, do you drive along 69th Street more frequently?



69TH STREET PEDESTRIAN PILOT PROJECT: ON-LINE SURVEY RESULTS

Would you like to see these changes implemented permanently?



ID

Additional comments

- 4386 I love the changes.
- 4389 I'd like more frequent posts when walking. It feels sort of exposed between the groups of the posts.
- 4393 Modify it so east bound is on south side of the road and west bound is on the north side. Don't completely get rid of it.
- 4394 I typically drive 66th occasionally, but have recently increased not because of the pilot project, but because of construction on 66th Street. I'd ultimately like to see a permanent configuration with a curb, and boulevard with trees.
- 4395 Unequivocally I would like to see this become permanent.
- 4396 This hasn't had much of an impact on me. I walk from 70th & Penn to Cub regularly and either take 69th St or 68th St, generally opting for 68th St since there are more trees & less traffic. My personal preference would be to have lanes on both sides of the road for pedestrians/casual cyclists and have faster (>10 mph?) cyclists use the road. I don't know how that would impact snow removal (maybe remove the pylons?) though. I really don't understand why we're looking at an infrastructure change to convince drivers not to speed through a residential area - why not enforce the speed limit instead? And for pedestrian safety, maybe it's time hitting a pedestrian/cyclist with a car gets treated the same as hitting them with some other 4,000+ lb object.
- It might be worthwhile to talk to someone in Winona's city government. It's an extremely pedestrian & cyclist friendly city and completely bizarre for people visiting to see cars stop for all pedestrians at every corner.
- 4401 I do drive slower on the road and find that others do as well. I don't often see bikers or walkers using the north lane, and have unfortunately seen a pedestrian on the roadway with car traffic. I think the impact of lower speeds is important for the residents in the area, as I would want that if I lived nearby.
- 4405 My only concern is about keeping south alleys clear in a normal winter. Once there were some snow piles visibility was very dicey exiting the alley onto 69th.
- And these changes have not reduced traffic volume or slowed the number rolling through the stop sign at 69th and Vincent. But as a pedestrian I love the change!!
- 4406 I would NOT like to see this as a permanent design for the pedestrians / bicyclists!
- 4408 I know the cost is an issue, but I'd much prefer a path like 76th on the East side of Richfield in this section. (And actually extending across Penn all the way to Humboldt and across York all the way.
- The street is in terrible condition once you cross Xerxes, which I know is Edina. I thought they were better than that. It's literally crumbling and there's a sidewalk only on the left side.
- 4409 I feel like the change has made it less safe to drive on this road. Please look into other options.

69TH STREET PEDESTRIAN PILOT PROJECT: ON-LINE SURVEY RESULTS

- 4410 It's nice for the bikers and dog walkers, but many people are confused by the white poles and have even driven in that lane. And it's not like the signs are large enough.
- The problem is that the street should have never been made that wide and now we are all suffering the consequences.
- 4411 Bike/walk lane on EACH side preferred
- 4412 Would like to see a better division of 69th st, taking into account pedestrian lane traffic, and ease of snow removal. Eastbound lane too narrow.
- 4418 The pilot project has helped to improve pedestrian use along 69th street but I feel further changes are still needed to slow traffic and to create better space for both people walking and biking.
- 4420 As I said in the meeting, if changes are a requirement, I would much rather have the current changes made permanent than a narrowing of the street with walking path and curb and gutter. I feel that the changes as they are now are very easy to see and I have seen more walkers and bikers since they were implemented. The only thing that I would change would be to make the posts a brighter color such as fluorescent orange or yellow.
- 4422 Please remove this hazard immediately
- 4426 I think stripping a safety lane on each side may be a better choice.
- 4429 Repeating that neighbors who border 69th have not noticed speeds changed. They miss parking on 69th & suggested 1 way traffic on 69th & 70th. That seems like a good idea. Although I'd like to keep the bike lane too.
- 4430 In my opinion this has caused a whole new set of issues and/or safety problems for walkers, bikers & drivers. You forgot to add HOMEOWNERS!
- 4431 I live on 69th and Thomas. My driveway backs out onto 69Th. So when I'm backing out I am backing out directly into traffic without any easement to look for traffic until my car is actually in the path.
- While snowblowing I was almost hit by a car twice because I had to turn around my snowblower at the end of my driveway which is actually the street in the car path.
- I am very concerned to try to work in my yard on the 69th side this summer or even tend to any of the normal activities this spring because if I slip off the curb... I am in path of on coming traffic which is considerable.
- I would suggest somebody come out and try to mow my lawn this summer or clear snow from the end of my driveway in the winter and tell me if you think it's safer.
- 4433 My complaint is still the danger of pulling out of the north end of the alley between Thomas Ave. and Sheridan Ave. There is a fence on the left which forces you to pull into the traffic lane to see if traffic is coming, and by then it's too late. When pulling out to the right (east) there is a partial curb, and to avoid it you must pull into the oncoming traffic lane. Almost all the way in. So if there is traffic coming from the east you must wait for that to clear completely before pulling out. Also, I have not noticed a decrease in speed along 69th Ave. at all.
- 4436 Why didn't you put the biking/walking lane on 70th street where there was already no parking on one side? I have seen numerous bikers driving their cars and parking on the east side of 69th street and then biking up towards Southdale. Do we get a tax break since the city has taken away parking on 69th street? How about putting the bike lane on every single block and see how that goes with everyone in the city. How much is the cost of putting up these barriers? How many of these bikers/walkers are Richfield residents? Was this due to all the condos being built in Edina? How about opening up the roads off of 67th and 68th street and Xerxes to handle some of that traffic? Just throwing ideas out there for Jack and the council to think about since most of you are not affected nor live near the project. And this road does not lead to our parks as I have seen some put on Facebook pages. The park is one block north on 68th street. NO. I DO NOT LIKE the changes.

69TH STREET PEDESTRIAN PILOT PROJECT: ON-LINE SURVEY RESULTS

- 4452 I live at 6900 Sheridan. While the street has improved for pedestrians, it has been to the detriment of the homeowners who live on 69th street, particularly the south side. The cars are so close to the curb that I feel legitimately unsafe when mowing my stretch of lawn next to the curb. The cars are within feet of me. Similarly, it has made it much more difficult to back out of my driveway onto 69th street.
- Can we revisit adding a stop sign, perhaps at 69th and Thomas? This is the bottom of the hill and would slow cars down who are eastbound.
- Can we remove the poles and instead go back to having cars in the middle of the road? Perhaps put white stripes on each side of the road to visually "break" the pavement and allow an informal pedestrian lane on either side.
- 4458 A sidewalk would look much better. I understand the cost factor. This should of been done years ago!



**REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
JULY 25, 2017
7:00 PM**

INTRODUCTORY PROCEEDINGS

Call to order

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

Pledge of Allegiance

Approval of the minutes of the: (1) Special City Council Work Session of July 11, 2017; (2) Special Joint City Council, Housing and Redevelopment Authority, and Planning Commission Work Session of July 11, 2017; (3) Regular City Council Meeting of July 11, 2017; and (4) Special City Council Closed Executive Session of July 11, 2017.

COUNCIL DISCUSSION

1. Hats Off to Hometown Hits

AGENDA APPROVAL

2. Approval of the Agenda
3. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**

- A. Consideration of the approval of a contract from the City of Edina to provide dispatching service to the City of Richfield's Police and Fire Departments.

Staff Report No. 107

4. Consideration of items, if any, removed from Consent Calendar

PUBLIC HEARINGS

5. Public hearing and consideration of the approval of a resolution regarding the removal of a utility easement within the Plaza 66 development area at approximately 16th Avenue and 66th Street East.

Staff Report No. 108

OTHER BUSINESS

6. Consideration of the following items related to the Richfield Community Band Shell project:
 1. Accept the bid minutes/tabulation dated July 11, 2017.
 2. Consideration of the award of a contract to lowest bidder, Fendler Patterson Construction in the amount of \$376,821 and authorize staff to execute the contract.
 3. Consideration of the approval of the proposed funding agreement between the City of Richfield and Friends of the Band Shell to provide \$146,056 as a grant to the City to help fund the project.

Staff Report No. 109

CITY MANAGER'S REPORT

7. City Manager's Report

CLAIMS AND PAYROLLS

8. Claims and Payrolls

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

9. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Work Session

July 11, 2017

CALL TO ORDER

The work session was called to order by Mayor Elliott at 5:15 p.m. in the Municipal Center.

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; Maria Regan Gonzalez; and Simon Trautmann

Staff Present: Steven L. Devich, City Manager; Pam Dmytrenko, Assistant City Manager/HR Manager; John Stark, Community Development Director; and, Jared Voto, Executive Aide/Analyst.

Item #1	EQUITY INITIATIVES
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Assistant City Manager/HR Manager Pam Dmytrenko introduced Wokie Freeman and Elizabeth Tolzmann as the presenters for the evening.

Wokie Freeman, assistant city manager of Brooklyn Park, presented a PowerPoint titled Brooklyn Park's journey towards "A Thriving Community with Opportunities for All". This included the work they have done with the Government Alliance on Racial Equity (GARE), their racial equity action plan, challenges of recruiting diverse police officers, and strategies for the city.

Elizabeth Tolzmann, former assistant city manager of Bloomington, presented a PowerPoint outlining their work with GARE, history of government and race and race in government policies, Bloomington's strategic plan, the Learn to Lead Initiative, Suburban Law Enforcement Trainee program, and racial equity toolkit. She discussed an analogy of a four-legged table for developing a plan, with the following as legs: elected officials, city leadership, city staff, and the community. No one has an even table.

Council Members all thanked them for their presentations and asked questions of the presenters related to community engagement, toughest challenges and response from their respective communities, and lessons learned.

City Manager Devich closed the topic with comments on Richfield's work thus far and stating Richfield will participate in GARE in 2018.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:10 p.m.

Date Approved: July 25, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager

CITY COUNCIL MEETING MINUTES

Richfield, Minnesota



Special Joint City Council, Housing and Redevelopment Authority, and Planning Commission Work Session

July 11, 2017

CALL TO ORDER

The joint work session was called to order by Mayor Elliott at 6:13 p.m. in the Bartholomew Room.

Council Members Present: Pat Elliott, Mayor Edwina Garcia; Michael Howard; Maria Regan Gonzalez; and Simon Trautmann.

HRA Members Present: Mary Supple, Chair; Pat Elliott; and Michel Howard.

HRA Members Absent: Doris Rubenstein and Sue Sandahl.

PC Members Present: Erin Vrieze Daniels, Chair; Sean Hayford Oleary; Bryan Pynn; and Susan Rosenberg.

PC Members Absent: Allysén Hoberg; Dan Kitzberger; and Gordon Vizecky.

Staff Present: Steven L. Devich, City Manager; Pam Dmytrenko, Assistant City Manager/HR Manager; John Stark, Community Development Director; and, Jared Voto, Executive Aide/Analyst.

Item #2	JAGUAR AND LAND ROVER DEALERSHIP PROPOSAL
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Community Development Director Stark introduced representatives from Morrie's Automotive Group.

Lynn Robson, facilities director, presented the proposed project giving an overview of the site and highlights of the proposed project. Brannin Gries, architect, discussed the site plan and materials of the building. They asked for feedback and next steps from the council members and commissioners.

Council Members and Commissioners provided feedback and generally agreed to take a cautious look at the site and corridor, with the progress of the 77th Street Underpass project, and it was early in the process.

Item #1	CITY GARAGE SOUTH PROPOSAL
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Community Development Director Stark introduced representatives from Nicolai Apartments. They presented an overview of their company and the properties they have built and manage. They presented and discussed a site plan and renderings of their proposed 21-unit apartment building.

With limited time to discuss the proposal, Council Members and Commissioners agreed another work session was needed to further discuss and ask questions of the project.

ADJOURNMENT

The joint work session was adjourned by unanimous consent at 7:00 p.m.

Date Approved: July 25, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

July 11, 2017

CALL TO ORDER

The meeting was called to order by Mayor Elliott at 7:02 p.m. in the Council Chambers.

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; Maria Regan Gonzalez; and Simon Trautmann.

Staff Present: Steven L. Devich, City Manager; Mary Tietjen, City Attorney; Pam Dmytrenko, Assistant City Manager/HR Manager; John Stark, Community Development Director; and Jared Voto, Executive Aide/Analyst.

OPEN FORUM

Blake Hopkins, 901 N. 3rd St – Suite 150, Minneapolis, Senior Project Manager for Aeon spoke regarding an update on Seasons Park.

Susan Rosenberg, 6633 Thomas Ave S, spoke regarding the Richfield Beautiful Garden Tour.

PLEDGE OF ALLEGIANCE

Mayor Elliott led the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Howard, S/Garcia to approve the minutes of the: (1) Special Joint City Council, Housing and Redevelopment Authority, and Planning Commission Work Session of June 19, 2017; (2) Special City Council Work Session of June 27, 2017; and (3) Regular City Council Meeting of June 27, 2017.

Motion carried 5-0.

Item #1

ANNUAL MEETING OF THE ADVISORY BOARD OF HEALTH

Kris Klos, Chair of the Advisor Board of Health, presented the 2016 Annual Report.

Item #2	COUNCIL DISCUSSION <ul style="list-style-type: none">Hats Off to Hometown Hits
----------------	---

Council Member Garcia gave her condolences to the family of Jonathan Michael O'Shaughnessy. She also discussed Betsy Osborn's retirement, the Richfield history center, and bench dedication at Wood Lake Nature Center.

Council Member Trautmann discussed the St. Louis Park community band would be playing at the Lyndale Gardens amphitheater.

Mayor Elliott discussed Night to Unite on August 1.

Council Member Howard thanked the 4th of July Committee and volunteer. He also discussed a community forum on July 13 and the upcoming work session on housing.

Council Member Regan Gonzalez also thanked the 4th of July Committee and volunteers. She also discussed the Urban Wildland half marathon and 5K on July 29.

Item #3	APPROVAL OF THE AGENDA
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M/Garcia, S/Howard to approve the agenda.

Motion carried 5-0.

Item #4	CONSENT CALENDAR
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City Manager Devich presented the Consent Calendar.

- A. Consideration of resolutions to approve special legislation for the Cedar Avenue and Lyndale Gardens Tax Increment Financing Districts. (S.R. No. 104)

RESOLUTION NO. 11374
APPROVING LAWS OF MINNESOTA 2017, 1ST SPECIAL SESSION,
CHAPTER 1, ARTICLE 6, SECTION 18, RELATING TO THE CEDAR
AVENUE TAX INCREMENT FINANCING DISTRICT

This resolution appears as Resolution No. 11374.

RESOLUTION NO. 11375
APPROVING LAWS OF MINNESOTA 2017, 1ST SPECIAL SESSION,
CHAPTER 1, ARTICLE 6, SECTION 19, RELATING TO THE LYNDALE
GARDENS TAX INCREMENT FINANCING DISTRICT

This resolution appears as Resolution No. 11375.

M/Elliott, S/Regan Gonzalez to approve the consent calendar.

Motion carried 5-0.

Item #5	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #6	CONSIDERATION OF THE APPROVAL OF A RESOLUTION GRANTING A CONDITIONAL USE PERMIT AND VARIANCE TO ALLOW A RESTAURANT AT 6436 PENN AVENUE. (S.R. NO. 105)
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Council Member Trautmann presented Staff Report No. 105.

Council Member Trautmann requested to table this item for two meetings, to the August 8 meeting, to discuss the proposal with his constituents.

M/Trautmann, S/Elliott to table the item to the August 8 City Council meeting.

Motion carried 5-0.

Item #7	CONSIDERATION OF THE APPROVAL OF A RESOLUTION GRANTING A CONDITIONAL USE PERMIT AND VARIANCES TO ALLOW A RESTAURANT AND CAFE TO OPERATE AT 817 EAST 66TH STREET. (S.R. NO. 106)
----------------	--

Council Member Regan Gonzalez presented Staff Report No. 106.

M/Howard, S/Elliott to approve a resolution granting a conditional use permit and variances to allow a restaurant and cafe at 817 East 66th Street.

RESOLUTION NO. 11377
RESOLUTION APPROVING A CONDITIONAL USE PERMIT
AMENDMENT AND VARIANCES FOR A RESTAURANT AT 817 66TH
STREET E

Motion carried 5-0. The resolutions appear as Resolution No. 11377.

Item #9	CLAIMS AND PAYROLLS
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M/Garcia, S/Elliott that the following claims and payrolls be approved:

U.S. Bank	07/11/17
A/P Checks: 260176 - 260472	\$ 1,089,256.20
Payroll: 128635 - 129001, 42777	657,358.37
TOTAL	\$ 1,746,614.57

Motion carried 5-0.

Item #8	CITY MANAGER'S REPORT
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City Manager Devich discussed scheduling a meeting date for the budget meeting and asked the Council to think about if they want to cancel the second meeting in August, as has been the Council's practice in the past.

OPEN FORUM

None.

Item #10	CLOSED EXECUTIVE SESSION PURSUANT TO MINNESOTA STATUTES SECTION 13D.05, SUBD. 3(B) TO HAVE AN ATTORNEY-CLIENT PRIVILEGED DISCUSSION REGARDING CITY OF RICHFIELD V. LAW ENFORCEMENT LABOR SERVICES, INC., HENNEPIN COUNTY DISTRICT COURT FILE NO. 27-CV-17-3645.
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The City Council closed to special executive session at 7:52 p.m.

The City Council reconvened the meeting at 8:51 p.m.

Item #11	ADJOURNMENT
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The City Council Meeting was adjourned by unanimous consent at 8:51 p.m.

Date Approved: July 25, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Closed Executive Session

July 11, 2017

CALL TO ORDER

The Closed Executive Session was called to order by Mayor Elliott at 7:55 p.m. in the Babcock Conference Room.

ROLL CALL

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; Maria Regan Gonzalez; and Simon Trautmann.

Staff Present: Steven L. Devich, City Manager; Jay Henthorne, Public Safety Director; Pam Dmytrenko, Assistant City Manager/HR Manager; and Mary Tietjen, City Attorney.

Others Present: Marylee Abrams, Attorney with Abrams & Schmidt LLC.

ITEM #1

CLOSED EXECUTIVE SESSION PURSUANT TO MINNESOTA STATUTES SECTION 13D.05, SUBD. 3(B) TO HAVE AN ATTORNEY-CLIENT PRIVILEGED DISCUSSION REGARDING CITY OF RICHFIELD V. LAW ENFORCEMENT LABOR SERVICES, INC., HENNEPIN COUNTY DISTRICT COURT FILE NO. 27-CV-17-3645.

The Closed Executive Session was convened as permitted by attorney-client privilege pursuant to Minn. Stat. 13D.05, subd. 3(b).

ADJOURNMENT

The Closed Executive Session was adjourned by unanimous consent at 8:47 p.m.

Date Approved: July 25, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



STAFF REPORT NO. 107
CITY COUNCIL MEETING
7/25/2017

REPORT PREPARED BY: Jay Henthorne, Public Safety Director

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
7/19/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
7/20/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a contract from the City of Edina to provide dispatching service to the City of Richfield's Police and Fire Departments.

EXECUTIVE SUMMARY:

The City of Edina provides contractual dispatching services for the Police and Fire Departments. The contract between Edina and Richfield covers dispatching services, operations and maintenance of the Edina Communication Center (E.C.C).

The contract period is for two years and will commence January 1, 2018. The contract includes a standard cost escalator for each year of the contract. The escalator will be based on increased labor costs for operation of the E.C.C. under Edina's labor agreements and the rate of increase, over the previous year in the implicit price deflator for government consumption expenditures and gross investment for state and local governments prepared by the Bureau of Economic Analysis.

The City of Edina hired Novak Consulting to preform a staffing study on the entire police department, including the communications center. The recommendations provided were to add three additional dispatchers, due to the increase in calls for service for dispatch. The study found the increases have come due to calls for service for the City of Richfield.

RECOMMENDED ACTION:

By Motion: Approve a contract between the City of Edina and the City of Richfield to provide dispatching services for the Police and Fire Departments.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- On August 13, 2013, the City Council voted to move our dispatching operations to the City of Edina. The City of Edina has provided contractual dispatching services for the Police and Fire Departments.
- The previous contract commenced on December 1, 2013 and will expire on December 31, 2017.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- The City Council previously approved moving dispatching operations to the City of Edina.

C. CRITICAL TIMING ISSUES:

- There are no critical timing issues.

D. FINANCIAL IMPACT:

- Adding three additional dispatchers.
- The contract is for a two year period.
- Edina will receive Richfield's 911 State funding allotment of approximately \$45,000.
- For calendar year 2018 monthly payments in the amount of \$20,833 will be made to the City of Edina, compared to the 2017 monthly payments of \$15,672.00, an increase of 33% (\$5,161.00 a month or \$61,932.00 a year).
- For calendar year 2019 monthly payments in the amount of \$24,166 will be made to the City of Edina, an increase from 2018 of 16% (\$3,333.00 a month or \$39,996.00 a year).

E. LEGAL CONSIDERATION:

- The City Attorney has reviewed the contract for the City.
- The City of Edina passed the contract at their July 18, 2017 Council meeting.

ALTERNATIVE RECOMMENDATION(S):

- Richfield Police and Fire need dispatching services. If the contract is not approved additional vendors would need to be researched and selected to provide dispatch services.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
▣ Contract	Contract/Agreement

**FIRST AMENDMENT TO
AGREEMENT BETWEEN EDINA AND RICHFIELD
FOR THE PROVISION OF DISPATCH SERVICES AND OPERATION
AND MAINTENANCE OF THE EMERGENCY COMMUNICATIONS CENTER**

AGREEMENT made this _____ day of _____, 2017 by and between the **City of Edina**, a Minnesota municipal corporation ("Edina") and the **City of Richfield**, a Minnesota municipal corporation ("Richfield"), collectively "the Parties."

WHEREAS, Edina and Richfield are parties to an Agreement dated 13th day of August, 2013 for the provision of dispatch services and operation and maintenance of the emergency communications center ("Agreement"); and

WHEREAS, the Parties want to amend the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Amendment. The Agreement shall remain in full force and effect except and amended by this First Amendment. This First Amendment is effective January 1, 2018.
2. Paragraph 3 of the Agreement is amended to provide as follows:

Payment for Dispatch Services and Operation and Maintenance of the E.C.C.

Subject to the payment of initial costs pursuant to Paragraph 2 herein and any unbudgeted expenses pursuant to Paragraph 5 herein:

- A. **For calendar year 2018, Richfield shall pay Edina Twenty Thousand Eight Hundred Thirty Three Dollars (\$20,833.00) per month ("Base Charge"). Payment shall be due in advance on or before the first day of each calendar month.**
- B. **For calendar year 2019 Richfield shall pay Edina, in equal monthly installments of Twenty Four Thousand One Hundred Sixty Six and No/100 Dollars (\$24,166.00) ("Base Charge"). On or before July 1st 2019 and on or before July 1st of every subsequent year Edina shall inform Richfield of changes in the**

Base Charge which shall become effective January 1st of the following year.

Payment shall be due in advance on or before the first day of each calendar month.

3. Paragraph 7 of the Agreement is amended to provide as follows:

Term of Agreement. This Agreement shall be for a term of two years (2) years, commencing January 1, 2018. Commencing January 1, 2020 this Agreement will continue for an indefinite term but may be terminated by either party upon a six (6) month advance written termination notice delivered by either party to the other party.

4. Effective Date. This First Amendment is effective January 1, 2018.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

CITY OF EDINA

BY: _____
James Hovland, Its Mayor

AND _____
Scott Neal, Its City Manager

CITY OF RICHFIELD

BY: _____
Pat Elliott, Its Mayor

AND _____
Steven Devich, Its City Manager



STAFF REPORT NO. 108
CITY COUNCIL MEETING
7/25/2017

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
7/18/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
7/18/2017

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of the approval of a resolution regarding the removal of a utility easement within the Plaza 66 development area at approximately 16th Avenue and 66th Street East.

EXECUTIVE SUMMARY:

A plat for Plaza 66 in Richfield was approved by the Council on June 27, 2017. The plat is comprised of four single-family lots, two remnant parcels, and adjacent right-of-way. There is a 5 foot utility easement along the rear property line of the single-family and remnant parcels; this easement area currently contains both underground and aerial facilities that will be relocated at the developer's expense and placed within easement areas dedicated in the plat. Upon the recording of the plat, there will no longer be a need for this utility easement.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Approve a resolution vacating a utility easement within the area of the approved Plaza 66 in Richfield plat.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- See Executive Summary

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- The City may vacate an easement by resolution when it appears in the interest of the public to do so.
- City staff sees no reason to maintain the existing easement. Both underground and overhead utilities are currently located within the easement area.
- The public utility companies do not object to the removal of the easement provided that the developer pays for the relocation of facilities and dedicates appropriate easements in the plat.

C. CRITICAL TIMING ISSUES:

- Closing is scheduled for August 1, 2017. Upon closing, the plat and vacations will be recorded. Approval of this vacation is preferred prior to closing and recording of the plat.

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- Notice of this public hearing was published in the Sun Current and mailed to properties within 350 feet of the easement area.
- No comments related to the easement have been received.
- The City Council may vacate public easements in accordance with MN Statute 412.851.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Resolution	Resolution Letter
<input type="checkbox"/>	Easement location	Exhibit

RESOLUTION NO.

RESOLUTION AUTHORIZING THE VACATION OF A DRAINAGE AND UTILITY EASEMENT

WHEREAS, the following described lands are subject to a utility easement in favor of the City of Richfield:

Lots 1, 2, 3, 14, 15, and 16, Block 1, Cedar-Sunrise Addition, Hennepin County, Minnesota

WHEREAS, the property is subject to an easement for utility purposes per the recorded plat of Cedar-Sunrise Addition; and

WHEREAS, there are existing utility lines within the easement area. However, the Property is part of a proposed plat, and all necessary easements for utility lines will be dedicated in the plat. There is no need to reserve easement as part of this proceeding.

WHEREAS, the City Council finds that the easement reserved in the recorded plat of Cedar-Sunrise Addition is no longer needed, upon the recording of the plat of PLAZA 66 IN RICHFIELD;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota, as follows:

1. The easement for utility purposes, which was reserved over the above-described property in the recorded plat of Cedar-Sunrise Addition, is vacated, effective upon the recording of the plat of PLAZA 66 IN RICHFIELD. If said plat is not recorded within one year of the date of this resolution, this resolution shall be null and of no effect.
2. This resolution does not affect the utility easement reserved in the recorded plat of Cedar-Sunrise Addition as to lands other than the property described above.
3. The City Clerk is directed to prepare a certificate of completion of vacation proceedings and to record the vacation in the office of the Hennepin County Recorder.

Adopted by the City Council of the City of Richfield, Minnesota this 25th day of July, 2017.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

PLAZA 66 IN RICHFIELD

C.R. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That Interstate Industrial, LLC, a Minnesota limited liability company, fee owner, of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lots 1, 2, 3, 14, 15, and 16, Block 1, CEDAR-SUNRISE ADDITION

TOGETHER WITH

That part of vacated 17th Avenue South described as follows:

Beginning at the northeast corner of Block 1, CEDAR-SUNRISE ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota; thence on an assumed bearing of South 00 degrees 06 minutes 08 seconds East, along the west line of said vacated 17th Avenue South, a distance of 200.47 feet to the southeast corner of Lot 3 of said Block 1; thence North 89 degrees 57 minutes 16 seconds East, along the easterly prolongation of the south line of said Lot 3, a distance of 60.00 feet to the intersection of the easterly prolongation of the south line of said Lot 3 with the east line of said vacated 17th Avenue South; thence North 00 degrees 06 minutes 08 seconds West, along said east line of vacated 17th Avenue South, a distance of 73.86 feet; thence North 25 degrees 26 minutes 49 seconds West a distance of 140.17 feet to the point of beginning.

Has caused the same to be surveyed and platted as PLAZA 66 IN RICHFIELD, and does hereby dedicate to the public for public use forever the drainage and utility easements as shown on this plat.

In witness whereof said Interstate Industrial, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

SIGNED: Interstate Industrial, LLC

By: _____, as _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, as _____ of Interstate Industrial, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, _____ County, _____ Notary Printed Name
My Commission Expires _____

I, Rick M. Blom, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Rick M. Blom, Licensed Land Surveyor,
Minnesota License No. 21729

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by
Rick M. Blom, a Licensed Land Surveyor.

Notary Public, _____ County, Minnesota Notary Printed Name
My Commission Expires _____

RICHFIELD, MINNESOTA

This plat of PLAZA 66 IN RICHFIELD was approved and accepted by the City Council of Richfield, Minnesota, at a regular meeting thereof held this _____ day of _____, 20____. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30-day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

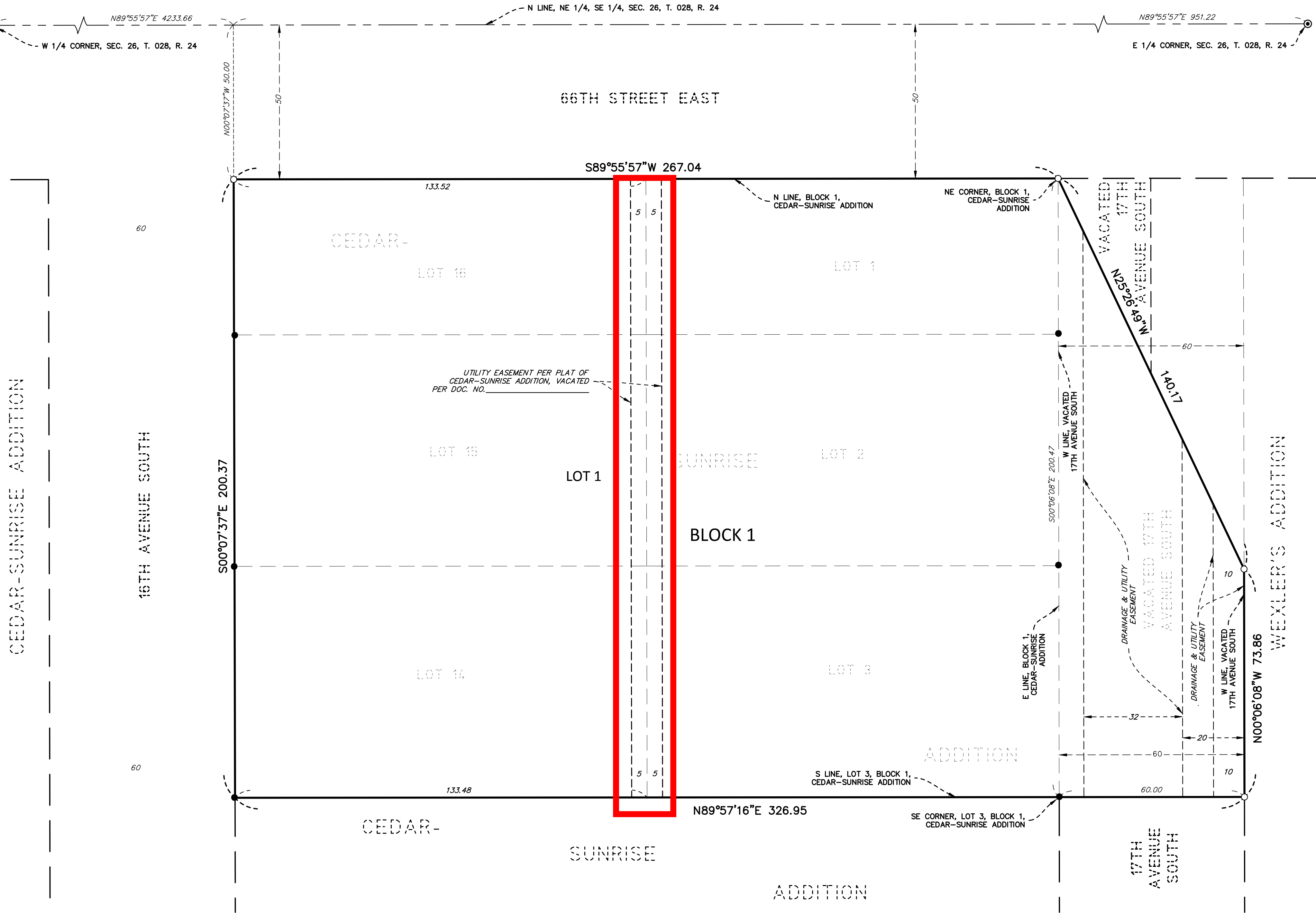
City Council, Richfield, Minnesota

By: _____ Mayor By: _____ Manager

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 20____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 20____.

Mark V. Chapin, County Auditor By: _____, Deputy



SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this _____ day of _____, 20____.

Chris F. Mavis, County Surveyor By: _____

COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of PLAZA 66 IN RICHFIELD was recorded in this office this _____ day of _____, 20____, at _____ o'clock _____.M.

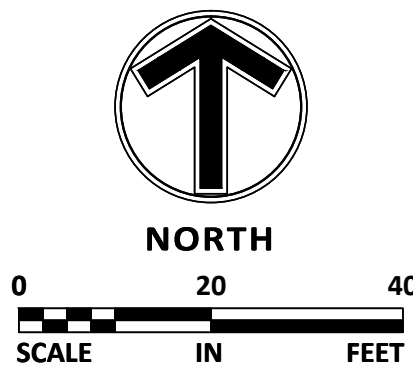
Martin McCormick, County Recorder By: _____, Deputy

○ DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET AND MARKED BY LICENSE NO. 21729.

● DENOTES 1/2 INCH PINCHED TOP IRON MONUMENT FOUND, UNLESS OTHERWISE NOTED.

◎ DENOTES FOUND HENNEPIN COUNTY CAST IRON MONUMENT, UNLESS OTHERWISE NOTED.

THE NORTH LINE OF BLOCK 1, CEDAR-SUNRISE ADDITION IS ASSUMED TO HAVE A BEARING OF NORTH 89 DEGREES 55 MINUTES 57 SECONDS EAST.



SAMBATEK, INC.
ENGINEERING, PLANNING
AND LAND SURVEYING



STAFF REPORT NO. 109
CITY COUNCIL MEETING
7/25/2017

REPORT PREPARED BY: Jim Topitzhofer, Recreation Services Director

DEPARTMENT DIRECTOR REVIEW: Jim Topitzhofer, Recreation Services Director
7/18/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
7/19/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the following items related to the Richfield Community Band Shell project:

1. Accept the bid minutes/tabulation dated July 11, 2017.
2. Consideration of the award of a contract to lowest bidder, Fendler Patterson Construction in the amount of \$376,821 and authorize staff to execute the contract.
3. Consideration of the approval of the proposed funding agreement between the City of Richfield and Friends of the Band Shell to provide \$146,056 as a grant to the City to help fund the project.

EXECUTIVE SUMMARY:

Bids were advertised recently for the construction of the Richfield Community Band Shell project. The project was bid out as one project and five general contractors bid on the project on July 11, 2017.

The lowest base bid was offered by Fendler Patterson Construction from Savage, Minnesota in the amount of \$376,821. Five alternates were included in the bid instructions as follows:

- Alternate 1 - Cost to provide Trattino finished concrete masonry units in lieu of rock faced concrete masonry units.
- Alternate 2 - Cost to provide decorative curved steel tubing at the top of the front opening and curved steel railings on back half-height wall.
- Alternate 3 - Cost to install decorative treble and base clef on the front of the facility.
- Alternate 4 - Cost to upgrade ceiling with composite panels and trim over 3/4" structural plywood in lieu of exposed 3/4" structural plywood.
- Alternate 5 - Cost to provide anti-graffiti coating to exposed wall and door areas.

Funding for the base bid is made possible by a funding grant from the Friends of the Band Shell in the amount of \$146,056. The five alternates are not included in the base bid and will be considered at a future date pending the success of additional fundraising by the group.

RECOMMENDED ACTION:

By Motion:

1. Accept the bid minutes/tabulation dated July 11, 2017.
2. Award a construction contract to lowest bidder, Fendler Patterson Construction, in the amount of \$376,821 and authorize staff to execute the contract.
3. Approve the funding agreement between the City of Richfield and Friends of the Band Shell to

provide \$146,056 as a grant to the City to help fund the project.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- City Council discussed the formation of a new group of volunteers to raise funds and finalize plans for a community band shell at a study session on January 28, 2014. During the discussion, Council selected Veterans Memorial Park as the future site of the community band shell and later passed a resolution declaring Veterans Park as the future site of the Band Shell on February 11, 2014.
- A Band Shell Task Force was assembled and began meeting in February 2014. The Task Force began fundraising efforts right away and secured about \$75,000 of pledges.
- On June 23, 2015, City Council passed a resolution granting approval of a site plan to allow the construction of a community band shell in Veterans Memorial Park. The Council specified that no additional funding from the City would be provided to the project. At the same meeting, the Council approved a contract with David Linner Architects to prepare plans, specifications and bidding documents.
- City Council rejected all bids for the construction of a band shell on September 8, 2015. All four bids received exceeded the project budget.
- On July 12, 2016, City Council passed a resolution granting approval of a revised site plan to allow the construction of a community band shell in Veterans Memorial Park.
- On October 11, 2016, Council received a summary report of a professional sound study that was conducted on site in September. Council also approved an agreement with EDS Builders to perform construction management services for the construction of the Band Shell.
- On February 28, 2017, Council rejected all bids for division RSB-09-1, Rough and Finish Carpentry, Structural Wood, Painting, and Miscellaneous Finishes, and authorized staff to re-bid division RSB-09-1, and held bids and alternates for the remaining bid divisions.
- On March 28, 2017, Council performed the following actions:
 1. Rejected all bids received February 9, 2017, for bid divisions RSB-03-1 Earthwork, Concrete, Masonry and Miscellaneous Metals; RSB-07-1 Roofing Architectural Shingles; and RSB-26-1 Electrical and Temporary Power.
 2. Rejected all bids received March 20, 2017, for bid division RSB-09-1 Rough and Finish Carpentry, Structural Wood, Painting, and Miscellaneous Finishes.
 3. Authorized staff to re-bid the project at a future date.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- Contracts estimated to have a value over \$100,000 must be made by sealed bids, solicited by public notice, and awarded to the lowest responsible bidder. All such contracts can only be approved by City Council.
- The notice that bids are being solicited must be published once in the city's official newspaper at least ten days before the last day for the submission of bids.
- The City has the authority to reject all bids.

C. CRITICAL TIMING ISSUES:

- The construction schedule for the project is as follows:
 - July 25, 2017 - Council Consideration of Project
 - August 2017 - Construction Begins with earthwork and foundation installation completed before October 31, 2017.
 - May 2018 - Remaining construction begins in the spring and ends by August 31, 2018.

D. FINANCIAL IMPACT:

Band Shell Budget

SOURCES

City Contribution	\$325,000
Initial Fundraising Drive	\$67,000
<u>Friends Contribution</u>	<u>\$146,056</u>
Total Sources	\$538,545

USES

Past Expenses	\$120,000
Testing	\$6,559
Civil Engineering	\$1,960
Architect/Engineer Design	\$14,200
Contingency (5%)	\$18,841
<u>Low Bid w/o Alternatives</u>	<u>\$376,821</u>
Total Uses	\$538,545

E. LEGAL CONSIDERATION:

- The City Attorney has prepared the attached funding agreement and has consulted with City Council and staff throughout the duration of this project.

ALTERNATIVE RECOMMENDATION(S):

- Council may choose to accept bids and consider award of contract to the next lowest responsible bidder. This would require additional funding either by the City or a combination of other sources.
- Council may choose to reject all bids and direct staff how to proceed.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Members of the Friends of the Band Shell

ATTACHMENTS:

Description	Type
▣ Bid Tabulation July 11, 2017	Cover Memo
▣ Funding Agreement	Contract/Agreement

CITY OF RICHFIELD, MINNESOTA

Bid Opening
July 11, 2017
2:00 p.m.

2017 Richfield Community Band Shell
Bid No. 17-04

Pursuant to requirements of Resolution No. 1015, a meeting of the Administrative Staff was called by Kari Sinning, Deputy City Clerk, who announced that the purpose of the meeting was to receive, open and read aloud bids for 2017 Richfield Community Band Shell, as advertised in the official newspaper on June 15, 2017.

Present: Kari Sinning, Deputy City Clerk
Jim Topitzhofer, Recreation Services Director
Jared Voto, City Manager Representative

The following bids were submitted and read aloud:

Bidder's Name	Bond	Base Bid	ALT 1	ALT 2	ALT 3	ALT 4	ALT 5	Total Proposed Amount
Versacon	Provided	\$ 390,000.00	\$ 8,910.00	\$ 6,683.00	\$ 1,047.00	\$ 3,733.00	\$ 6,683.00	\$ 417,056.00
Tarraf	Provided	\$ 447,000.00	\$ 8,000.00	\$ 11,200.00	\$ 4,400.00	\$ 8,700.00	\$ 9,200.00	\$ 488,500.00
Fendler Patterson Construction	Provided	\$ 376,821.00	\$ 7,750.00	\$ 2,320.00	\$ 4,570.00	\$ 11,500.00	\$ 1,725.00	\$ 414,686.00
Dering Pierson Group LLC	Provided	\$ 394,000.00	\$ 23,000.00	\$ 4,000.00	\$ 1,300.00	\$ 4,800.00	\$ 4,000.00	\$ 431,100.00
Ebert Construction	Provided	\$ 472,000.00	\$ 5,900.00	\$ 5,600.00	\$ 2,600.00	\$ 10,700.00	\$ 5,500.00	\$ 502,300.00

The City Clerk announced that the bids would be tabulated and considered at the July 25, 2017 City Council Meeting.

Kari Sinning, Deputy City Clerk

FUNDING AGREEMENT

This Agreement is entered into this 25th day of July, 2017, by and between Friends of the Richfield Band Shell, Inc. (Friends), a 501 (c)(3) nonprofit corporation, and the City of Richfield, Minnesota, (City).

RECITALS

Whereas, City has approved the construction of a band shell in Veterans Memorial Park (project) and has appropriated \$325,000 from city funds for the project;

Whereas, the City has received donations from the public in excess of \$67,000 for the project (City donations), and

Whereas, Friends has decided that providing funding for the project will further support Friend's charitable tax-exempt purposes, and

Whereas, Friends has created a restricted fund to hold contributions designated for such project, and has decided to grant all amounts deposited to that fund, less any administrative charge, to the City as needed to complete the project.

AGREEMENT

It is agreed, by the between the parties hereto, as follows:

1. **Project Grant.** Friends will provide \$146,056 as a grant to the City to help fund the project, except as follows:
 - a) If the total project costs exceed the combined total of the City funds appropriated for the project and donations received directly by the City and the grant amount of \$146,056, then Friends shall be responsible for the added cost.
 - b) Or, if the total project cost is less than combined total of the City funds appropriated for the project and donations received directly by the City and the grant amount of \$146,056, then Friends shall be only obligated to provide the balance between the total cost of the project and the combined total of the City funds appropriated for the project and donations received directly by the City.
2. **Use of Funds.** City shall use the grant funds solely for the project and shall have no obligation to re-pay to Friends or any donors any grant funds used for project purposes. City shall have the sole discretion to decide how the grant funds will be applied to the project. City shall repay to Friends any portion of the amount granted which is not used for the project or deemed to be unnecessary to complete the project. Any changes in the purposes for which grant funds are spent must be approved in writing by Friends before implementation.
3. **Request for Grant Funds.** City shall submit to Friends a request for grant funds in three intervals of the project schedule, payable on each date as follows: November 1, 2017, June 1, 2018 and at the date of final completion. The City shall request an amount based upon the percentage of completion at the time of each interval, together with a statement of the costs and purposes for which these grant funds shall be expended.

Upon the final request for grant funds, the City shall first use all the City funds appropriated for the project and donations received directly by the City, and invoice Friends for the balance of the project.

4. **Issuance of Funds.** Friends must issue grant funds immediately upon request by the City and in the amount requested by City in accordance with Paragraph 1 and 3. Friends shall not have discretion to deny issuance of the requested grant funds unless the City's request is unrelated to the project.
5. **Inability to Issue Funds/Breach by Friends.** If Friends is unable or refuses to issue requested grant funds to the City, Friends concedes that it will be in material breach of this Agreement and that it will remain liable to the City for the full amount of grant funds until such funds are fully paid. The City may avail itself of any available legal remedy to recover such funds from Friends to complete the project. Friends shall also be held liable for any damages incurred by the City relating to the project that is caused by Friends' refusal or inability to issue grant funds. Such damages shall include legal fees incurred by the City in enforcing this Agreement or pursuing recovery of grant funds.
6. **Term.** This Agreement will be in effect until the project is completed.
7. **Data Requests.** If necessary, Friends agrees to comply with the City's requests relating to requests for information pursuant to the Data Practices Act, Minnesota Statutes Chapter 13.
8. **Continuing Obligations.** Paragraphs 5 and 7 survive the termination of this Agreement.
9. **Severability.** The provisions of this Agreement are severable. If any portion of the Agreement is held to be contrary to law, the decision will not affect the remaining provisions of this Agreement.
10. **Entire Agreement.** The entire agreement of the parties is contained in this Agreement. This Agreement supersedes all oral agreement and negotiations between the parties relating to the subject matter in the Agreement. Any changes to this Agreement will be valid only when agreed to in writing by both parties.
11. **Governing Law.** This Agreement shall be controlled by the laws of the State of Minnesota.

IN WITNESS WHEREOF, the parties hereto have executed this Fiscal Sponsorship Agreement the date first appearing above.

Friends of the Richfield Band Shell,

City of Richfield, Minnesota,

By: _____
Rick Jabs, President

By: _____
Steve Devich, City Manager

Date: _____

Date: _____

By: _____
Pat Elliott, Mayor

Date: _____